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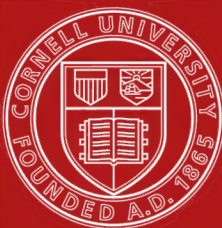
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THE GIFT OF

Hon H. H. Rockwell

A.46290

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Message of the President of the United S



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MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

RESPECTING THE

RELATIONS WITH CHILE,

TOGETHER WITH

THE DIPLOMATIC CORRESPONDENCE; THE CORRESPONDENCE WITH
THE NAVAL OFFICIALS; THE INQUIRY INTO THE ATTACK
ON THE SEAMEN OF THE U. S. S. BALTIMORE
IN THE STREETS OF VALPARAISO;

AND

THE EVIDENCE OF THE OFFICERS AND CREW OF THE
STEAMER KEWEENAW RESPECTING THE ILL-
TREATMENT OF PATRICK SHIELDS
BY THE CHILEAN POLICE.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1892.

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MESSAGE.

To the Senate and House of Representatives:

In my annual message, delivered to Congress at the beginning of the present session, after a brief statement of the facts then in the possession of this Government touching the assault, in the streets of Valparaiso, Chile, upon the sailors of the United States Steamship *Baltimore*, on the evening of the 16th of October last, I said:

“This Government is now awaiting the result of an investigation which has been conducted by the criminal court at Valparaiso. It is reported unofficially that the investigation is about completed, and it is expected that the result will soon be communicated to this Government, together with some adequate and satisfactory response to the note by which the attention of Chile was called to this incident. If these just expectations should be disappointed or further needless delay intervene, I will, by a special message, bring this matter again to the attention of Congress for such action as may be necessary.”

In my opinion the time has now come when I should lay before the Congress and the country the correspondence between this Government and the Government of Chile, from the time of the breaking out of the revolution against Balmaceda, together with all other facts in the possession of the Executive Department relating to this matter. The diplomatic correspondence is herewith transmitted, together with some correspondence between the naval officers for the time in command in Chilean waters and the Secretary of the Navy and also the evidence taken at the Mare Island navy-yard since the arrival of the *Baltimore* at San Francisco. I do not deem it necessary in this communication to attempt any full analysis of the correspondence or of the evidence. A brief restatement of the international questions involved and of the reasons why the responses of the Chilean Government are unsatisfactory is all that I deem necessary.

It may be well, at the outset, to say that, whatever may have been said in this country or in Chile in criticism of Mr. Egan, our minister at Santiago, the true history of this exciting period in Chilean affairs, from the outbreak of the revolution until this time, discloses no act on the

part of Mr. Egan unworthy of his position or that could justly be the occasion of serious animadversion or criticism. He has, I think, on the whole, borne himself, in very trying circumstances, with dignity, discretion, and courage, and has conducted the correspondence with ability, courtesy, and fairness.

It is worth while also at the beginning to say that the right of Mr. Egan to give shelter in the legation to certain adherents of the Balmaaceda Government who applied to him for asylum has not been denied by the Chilean authorities, nor has any demand been made for the surrender of these refugees. That there was urgent need of asylum is shown by Mr. Egan's note of August 24, 1891, describing the disorders that prevailed in Santiago, and by the evidence of Capt. Schley as to the pillage and violence that prevailed at Valparaiso. The correspondence discloses, however, that the request of Mr. Egan for a safe conduct from the country, in behalf of these refugees, was denied. The precedents cited by him in the correspondence, particularly the case of the revolution in Peru in 1865, did not leave the Chilean Government in a position to deny the right of asylum to political refugees and seemed very clearly to support Mr. Egan's contention that a safe conduct to neutral territory was a necessary and acknowledged incident of the asylum. These refugees have very recently, without formal safe conduct, but by the acquiescence of the Chilean authorities, been placed on board the *Yorktown* and are now being conveyed to Callao, Peru. This incident might be considered wholly closed, but for the disrespect manifested toward this Government by the close and offensive police surveillance of the legation premises which was maintained during most of the period of the stay of the refugees therein. After the date of my annual message and up to the time of the transfer of the refugees to the *Yorktown* the legation premises seem to have been surrounded by police, in uniform, and police agents or detectives, in citizen's dress, who offensively scrutinized persons entering or leaving the legation and, on one or more occasions, arrested members of the minister's family. Commander Evans, who, by my direction, recently visited Mr. Egan at Santiago, in his telegram to the Navy Department, described the legation as "a veritable prison," and states that the police agents or detectives were, after his arrival, withdrawn during his stay. It appears further, from the note of Mr. Egan of November 20, 1891, that on one occasion at least these police agents, whom he declares to be known to him, invaded the legation premises, pounding upon its windows and using insulting and threatening language towards persons therein. This breach of the right of a minister to freedom from police espionage and restraint seems to have been so flagrant that the Argentine minister, who was dean of the diplomatic corps, having observed it, felt called upon to protest against it to the Chilean minister of foreign affairs. The Chilean authorities have, as will be observed from the correspondence, charged the refugees and the inmates of the

legation with insulting the police; but it seems to me incredible that men whose lives were in jeopardy and whose safety could only be secured by retirement and quietness should have sought to provoke a collision which could only end in their destruction, or to aggravate their condition by intensifying a popular feeling that, at one time, so threatened the legation as to require Mr. Egan to appeal to the minister of foreign affairs.

But the most serious incident disclosed by the correspondence is that of the attack upon the sailors of the *Baltimore* in the streets of Valparaiso on the 16th of October last. In my annual message, speaking upon the information then in my possession, I said:

“So far as I have yet been able to learn, no other explanation of this bloody work has been suggested than that it had its origin in hostility to these men as sailors of the United States, wearing the uniform of their Government, and not in any individual act or personal animosity.”

We have now received from the Chilean Government an abstract of the conclusions of the *Fiscal General* upon the testimony taken by the judge of crimes in an investigation which was made to extend over nearly three months. I very much regret to be compelled to say that this report does not enable me to modify the conclusion announced in my annual message. I am still of the opinion that our sailors were assaulted, beaten, stabbed, and killed, not for anything they or any one of them had done, but for what the Government of the United States had done, or was charged with having done, by its civil officers and naval commanders. If that be the true aspect of the case, the injury was to the Government of the United States, not to these poor sailors who were assaulted in a manner so brutal and so cowardly.

Before attempting to give an outline of the facts upon which this conclusion rests, I think it right to say a word or two upon the legal aspect of the case. The *Baltimore* was in the harbor of Valparaiso by virtue of that general invitation which nations are held to extend to the war vessels of other powers with which they have friendly relations. This invitation, I think, must be held ordinarily to embrace the privilege of such communication with the shore as is reasonable, necessary, and proper for the comfort and convenience of the officers and men of such vessels. Capt. Schley testifies that when his vessel returned to Valparaiso, on September 14, the city officers, as is customary, extended the hospitalities of the city to his officers and crew. It is not claimed that every personal collision or injury in which a sailor or officer of such naval vessel visiting the shore may be involved raises an international question; but I am clearly of the opinion that where such sailors or officers are assaulted by a resident populace, animated by hostility to the Government whose uniform these sailors and officers wear and in resentment of acts done by their Government, not by them, their nation must take notice of the event as one in-

volving an infraction of its rights and dignity; not in a secondary way, as where a citizen is injured and presents his claim through his own Government, but in a primary way, precisely as if its minister or consul or the flag itself had been the object of the same character of assault. The officers and sailors of the *Baltimore* were in the harbor of Valparaiso under the orders of their Government, not by their own choice. They were upon the shore by the implied invitation of the Government of Chile and with the approval of their commanding officer; and it does not distinguish their case from that of a consul that his stay is more permanent or that he holds the express invitation of the local government to justify his longer residence. Nor does it affect the question that the injury was the act of a mob. If there had been no participation by the police or military in this cruel work and no neglect on their part to extend protection, the case would still be one, in my opinion, when its extent and character are considered, involving international rights.

The incidents of the affair are, briefly, as follows:

On the 16th of October last Capt. Schley, commanding the U. S. S. *Baltimore*, gave shore leave to one hundred and seventeen petty officers and sailors of his ship. These men left the ship about 1:30 p. m. No incident of violence occurred; none of our men were arrested; no complaint was lodged against them; nor did any collision or outbreak occur until about 6 o'clock p. m. Capt. Schley states that he was himself on shore and about the streets of the city until 5:30 p. m.; that he met very many of his men who were upon leave; that they were sober and were conducting themselves with propriety, saluting Chilean and other officers as they met them. Other officers of the ship and Capt. Jenkins, of the merchant ship *Keweenaw*, corroborate Capt. Schley as to the general sobriety and good behavior of our men. The Sisters of Charity at the hospital to which our wounded men were taken, when inquired of, stated that they were sober when received. If the situation had been otherwise, we must believe that the Chilean police authorities would have made arrests. About 6 p. m. the assault began, and it is remarkable that the investigation by the judge of crimes, though so protracted, does not enable him to give any more satisfactory account of its origin than is found in the statement that it began between drunken sailors. Repeatedly in the correspondence it is asserted that it was impossible to learn the precise cause of the riot. The minister of foreign affairs, Matta, in his telegram to Mr. Montt, under date December 31, states that the quarrel began between two sailors in a tavern and was continued in the street, persons who were passing joining in it.

The testimony of Talbot, an apprentice who was with Riggins, is that the outbreak in which they were involved began by a Chilean sailor spitting in the face of Talbot, which was resented by a knock-down. It appears that Riggins and Talbot were at the time unaccompanied

by any others of their shipmates. These two men were immediately beset by a crowd of Chilean citizens and sailors, through which they broke their way to a street car and entered it for safety. They were pursued, driven from the car, and Riffin was so seriously beaten that he fell in the street apparently dead. There is nothing in the report of the Chilean investigation made to us that seriously impeaches this testimony. It appears from Chilean sources that almost instantly, with a suddenness that strongly implies meditation and preparation, a mob, stated by the police authorities at one time to number 2,000 and at another 1,000, was engaged in the assault upon our sailors, who are represented as resisting "with stones, clubs, and bright arms." The report of the *Intendente* of October 30 states that the fight began at 6 p. m. in three streets which are named, that information was received at the *intendencia* at 6:15, and that the police arrived on the scene at 6:30, a full half hour after the assault began. At that time he says that a mob of 2,000 men had collected, and that for several squares there was the appearance of a "real battlefield."

The scene at this point is very graphically set before us by the Chilean testimony. The American sailors, who, after so long an examination, have not been found guilty of any breach of the peace, so far as the Chilean authorities are able to discover, unarmed and defenseless, are fleeing for their lives, pursued by overwhelming numbers, and fighting only to aid their own escape from death or to succor some mate whose life is in greater peril. Eighteen of them are brutally stabbed and beaten, while one Chilean seems, from the report, to have suffered some injury; but how serious or with what character of weapon, or whether by a missile thrown by our men or by some of his fellow rioters, is unascertained.

The pretense that our men were fighting "with stones, clubs, and bright arms" is, in view of these facts, incredible. It is further refuted by the fact that our prisoners, when searched, were absolutely without arms, only seven penknives being found in the possession of the men arrested, while there were received by our men more than thirty stab wounds, every one of which was inflicted in the back, and almost every contused wound was in the back or back of the head. The evidence of the ship's officer of the day is that even the jackknives of the men were taken from them before leaving the ship.

As to the brutal nature of the treatment received by our men, the following extract from the account given of the affair by the *La Patria* newspaper, of Valparaiso, of October 17, can not be regarded as too friendly:

"The Yankees, as soon as their pursuers gave chase, went by way of the Calle del Arsenal towards the city car station. In the presence of an ordinary number of citizens, among whom were some sailors, the North Americans took seats in the street car to escape from the stones which the Chileans threw at them. It was believed for an instant that the North Americans had saved

"themselves from popular fury, but such was not the case. Scarcely had the car begun to move, when a crowd gathered around and stopped its progress. Under these circumstances and without any cessation of the howling and throwing of stones at the North Americans, the conductor entered the car and, seeing the risk of the situation to the vehicle, ordered them to get out. At the instant the sailors left the car, in the midst of a hail of stones, the said conductor received a stone blow on the head. One of the Yankee sailors managed to escape in the direction of the Plaza Wheelright, but the other was felled to the ground by a stone. Managing to raise himself from the ground where he lay he staggered in an opposite direction from the station. In front of the house of Señor Mazzini he was again wounded, falling then senseless and breathless."

No amount of evasion or subterfuge is able to cloud our clear vision of this brutal work. It should be noticed, in this connection, that the American sailors arrested, after an examination, were, during the four days following the arrest, every one discharged, no charge of any breach of the peace or other criminal conduct having been sustained against a single one of them. The judge of crimes, Foster, in a note to the *Intendente*, under date of October 22—before the dispatch from this Government of the following day, which aroused the authorities of Chile to a better sense of the gravity of the affair—says: "Having presided temporarily over this court in regard to the seamen of the U. S. cruiser *Baltimore*, who have been tried on account of the deplorable conduct which took place," etc. The noticeable point here is that our sailors had been tried before the 22d of October and that the trial resulted in their acquittal and return to their vessel. It is quite remarkable and quite characteristic of the management of this affair by the Chilean police authorities that we should now be advised that Seaman Davidson, of the *Baltimore*, has been included in the indictment, his offense being, so far as I have been able to ascertain, that he attempted to defend a shipmate against an assailant who was striking at him with a knife. The perfect vindication of our men is furnished by this report; one only is found to have been guilty of criminal fault, and that for an act clearly justifiable.

As to the part taken by the police in the affair the case made by Chile is also far from satisfactory. The point where Riffin was killed is only three minutes' walk from the police station and not more than twice that distance from the *intendencia*; and yet, according to their official report, a full half hour elapsed after the assault began before the police were upon the ground. It has been stated that all but two of our men have said that the police did their duty. The evidence taken at Mare Island shows that if such a statement was procured from our men it was accomplished by requiring them to sign a writing in a language they did not understand and by the representation that it was a mere declaration that they had taken no part in the disturbance. Lieut. McCrea, who acted as interpreter, says in his evidence that when our sailors were examined before the court the subject of the

conduct of the police was so carefully avoided that he reported the fact to Capt. Schley on his return to the vessel.

The evidences of the existence of animosity towards our sailors in the minds of the sailors of the Chilean navy and of the populace of Valparaiso are so abundant and various as to leave no doubt in the mind of anyone who will examine the papers submitted. It manifested itself in threatening and insulting gestures towards our men as they passed the Chilean men-of-war in their boats and in the derisive and abusive epithets with which they greeted every appearance of an American sailor on the evening of the riot. Capt. Schley reports that boats from the Chilean war ships several times went out of their course to cross the bows of his boats, compelling them to back water. He complained of the discourtesy and it was corrected. That this feeling was shared by men of higher rank is shown by an incident related by Surgeon Stitt of the *Baltimore*. After the battle of Placilla he, with other medical officers of the war vessels in the harbor, was giving voluntary assistance to the wounded in the hospitals. The son of a Chilean army officer of high rank was under his care, and, when the father discovered it, he flew into a passion and said he would rather have his son die than have Americans touch him, and at once had him removed from the ward. This feeling is not well concealed in the dispatches of the foreign office and had quite open expression in the disrespectful treatment of the American legation. The Chilean boatmen in the bay refused, even for large offers of money, to return our sailors, who crowded the Mole, to their ship when they were endeavoring to escape from the city on the night of the assault. The market boats of the *Baltimore* were threatened, and even quite recently the gig of Commander Evans, of the *Yorktown*, was stoned while waiting for him at the Mole.

The evidence of our sailors clearly shows that the attack was expected by the Chilean people, that threats had been made against our men, and that, in one case somewhat early in the afternoon, the keeper of one house, into which some of our men had gone, closed his establishment in anticipation of the attack which he advised them would be made upon them as darkness came on.

In a report of Capt. Schley to the Navy Department he says:

"In the only interview that I had with Judge Foster, who is investigating the case relative to the disturbance, before he was aware of the entire gravity of the matter, he informed me that the assault upon my men was the outcome of hatred for our people among the lower classes, because they thought we had sympathized with the Balmaceda Government on account of the *Itata* matter; whether with reason or without he could, of course, not admit; but such he thought was the explanation of the assault at that time.

Several of our men sought security from the mob by such complete or partial changes in their dress as would conceal the fact of their being

seamen of the *Baltimore* and found it then possible to walk the streets without molestation. These incidents conclusively establish that the attack was upon the uniform—the nationality—and not upon the men.

The origin of this feeling is probably found in the refusal of this Government to give recognition to the Congressional party before it had established itself, in the seizure of the *Itata* for an alleged violation of the neutrality law, in the cable incident, and in the charge that Admiral Brown conveyed information to Valparaiso of the landing at Quinteros. It is not my purpose to enter here any defense of the action of this Government in these matters. It is enough for the present purpose to say that if there was any breach of international comity or duty on our part it should have been made the subject of official complaint through diplomatic channels or of reprisals for which a full responsibility was assumed. We can not consent that these incidents and these perversions of the truth shall be used to excite a murderous attack upon our unoffending sailors and the Government of Chile go acquit of responsibility. In fact, the conduct of this Government during the war in Chile pursued those lines of international duty which we had so strongly insisted upon on the part of other nations when this country was, in the throes of a civil conflict. We continued the established diplomatic relations with the government in power until it was overthrown, and promptly and cordially recognized the new government when it was established. The good offices of this Government were offered to bring about a peaceful adjustment, and the interposition of Mr. Egan to mitigate severities and to shelter adherents of the Congressional party were effective and frequent. The charge against Admiral Brown is too base to gain credence with anyone who knows his high personal and professional character.

Recurring to the evidence of our sailors, I think it is shown that there were several distinct assaults and so nearly simultaneous as to show that they did not spread from one point. A press summary of the report of the *Fiscal* shows that the evidence of the Chilean officials and others was in conflict as to the place of origin, several places being named by different witnesses as the locality where the first outbreak occurred. This, if correctly reported, shows that there were several distinct outbreaks, and so nearly at the same time as to cause this confusion.

The *La Patria*, in the same issue from which I have already quoted, after describing the killing of Riggins and the fight which from that point extended to the Mole, says:

“At the same time in other streets of the port the Yankee sailors fought fiercely with the people of the town, who believed to see in them incarnate enemies of the Chilean navy.”

The testimony of Capt. Jenkins, of the American merchant ship *Keweenaw*, which had gone to Valparaiso for repairs, and who was a witness of some part of the assault upon the crew of the *Baltimore*, is

strongly corroborative of the testimony of our own sailors when he says that he saw Chilean sentries drive back a seaman, seeking shelter, upon a mob that was pursuing him. The officers and men of Capt. Jenkins's ship furnish the most conclusive testimony as to the indignities which were practiced towards Americans in Valparaiso. When American sailors, even of merchant ships, can only secure their safety by denying their nationality, it must be time to readjust our relations with a government that permits such demonstrations.

As to the participation of the police, the evidence of our sailors shows that our men were struck and beaten by police officers before and after arrest, and that one, at least, was dragged with a lasso about his neck by a mounted policeman. That the death of Riffin was the result of a rifle shot fired by a policeman or soldier on duty is shown directly by the testimony of Johnson, in whose arms he was at the time, and by the evidence of Charles Langen, an American sailor not then a member of the *Baltimore's* crew, who stood close by and saw the transaction. The Chilean authorities do not pretend to fix the responsibility of this shot upon any particular person, but avow their inability to ascertain who fired it, further than that it was fired from a crowd. The character of the wound, as described by one of the surgeons of the *Baltimore*, clearly supports his opinion that it was made by a rifle ball, the orifice of exit being as much as an inch or an inch and a quarter in width. When shot the poor fellow was unconscious and in the arms of a comrade, who was endeavoring to carry him to a neighboring drugstore for treatment. The story of the police that, in coming up the street, they passed these men and left them behind them, is inconsistent with their own statement as to the direction of their approach and with their duty to protect them, and is clearly disproved. In fact, Riffin was not behind, but in front of the advancing force, and was not standing in the crowd, but was unconscious and supported in the arms of Johnson when he was shot.

The communications of the Chilean Government in relation to this cruel and disastrous attack upon our men, as will appear from the correspondence, have not in any degree taken the form of a manly and satisfactory expression of regret, much less of apology. The event was of so serious a character that, if the injuries suffered by our men had been wholly the result of an accident in a Chilean port, the incident was grave enough to have called for some public expression of sympathy and regret from the local authorities. It is not enough to say that the affair was lamentable, for humanity would require that expression, even if the beating and killing of our men had been justifiable. It is not enough to say that the incident is regretted, coupled with the statement that the affair was not of an unusual character in ports where foreign sailors are accustomed to meet. It is not for a generous and sincere government to seek for words of small or equivocal meaning in which to convey to a friendly power an apology for an

offense so atrocious as this. In the case of the assault by a mob in New Orleans upon the Spanish consulate in 1851, Mr. Webster wrote to the Spanish minister, Mr. Calderon, that the acts complained of were "a disgraceful and flagrant breach of duty and propriety," and that his Government "regrets them as deeply as Minister Calderon or his Government could possibly do;" that "these acts have caused the President great pain and he thinks a proper acknowledgment is due to Her Majesty's Government." He invited the Spanish consul to return to his post, guaranteeing protection, and offered to salute the Spanish flag if the consul should come in a Spanish vessel. Such a treatment by the Government of Chile of this assault would have been more creditable to the Chilean authorities; and much less can hardly be satisfactory to a Government that values its dignity and honor.

In our note of October 23 last, which appears in the correspondence, after receiving the report of the board of officers appointed by Capt. Schley to investigate the affair, the Chilean Government was advised of the aspect which it then assumed and called upon for any facts in its possession that might tend to modify the unfavorable impressions which our report had created. It is very clear from the correspondence that, before the receipt of this note, the examination was regarded by the police authorities as practically closed. It was, however, reopened and protracted through a period of nearly three months. We might justly have complained of this unreasonable delay, but, in view of the fact that the Government of Chile was still provisional, and with a disposition to be forbearing and hopeful of a friendly termination, I have awaited the report which has but recently been made.

On the 21st instant I caused to be communicated to the Government of Chile, by the American minister at Santiago, the conclusions of this Government after a full consideration of all the evidence and of every suggestion affecting this matter, and to these conclusions I adhere. They were stated as follows:

"First. That the assault is not relieved of the aspect which the early information of the event gave to it, viz: That of an attack upon the uniform of the United States Navy, having its origin and motive in a feeling of hostility to this Government, and not in any act of the sailors or of any of them.

"Second. That the public authorities of Valparaiso flagrantly failed in their duty to protect our men and that some of the police and of the Chilean soldiers and sailors were themselves guilty of unprovoked assaults upon our sailors before and after arrest. He [the President] thinks the preponderance of the evidence and the inherent probabilities lead to the conclusion that Riggin was killed by the police or soldiers.

"Third. That he [the President] is therefore compelled to bring the case back to the position taken by this Government in the note of Mr. Wharton, of October 23 last * * * * *, and to ask for a suitable apology and for some adequate reparation for the injury done to this Government."

In the same note the attention of the Chilean Government was called to the offensive character of a note addressed by Mr. Matta, its minister of foreign affairs, to Mr. Montt, its minister at this Capital, on the 11th ultimo. This dispatch was not officially communicated to this Government; but, as Mr. Montt was directed to translate it and to give it to the press of this country, it seemed to me that it could not pass without official notice. It was not only undiplomatic, but grossly insulting to our naval officers and to the Executive Department, as it directly imputed untruth and insincerity to the reports of the naval officers and to the official communications made by the Executive Department to Congress. It will be observed that I have notified the Chilean Government that, unless this note is at once withdrawn and an apology as public as the offense made, I will terminate diplomatic relations.

The request for the recall of Mr. Egan, upon the ground that he was not *persona grata*, was unaccompanied by any suggestion that could properly be used in support of it, and I infer that the request is based upon official acts of Mr. Egan which have received the approval of this Government. But, however that may be, I could not consent to consider such a question until it had first been settled whether our correspondence with Chile could be conducted upon a basis of mutual respect.

In submitting these papers to Congress for that grave and patriotic consideration which the questions involved demand, I desire to say that I am of the opinion that the demands made of Chile by this Government should be adhered to and enforced. If the dignity as well as the prestige and influence of the United States are not to be wholly sacrificed we must protect those who, in foreign ports, display the flag or wear the colors of this Government against insult, brutality, and death, inflicted in resentment of the acts of their Government, and not for any fault of their own. It has been my desire in every way to cultivate friendly and intimate relations with all the Governments of this hemisphere. We do not covet their territory; we desire their peace and prosperity. We look for no advantage in our relations with them, except the increased exchanges of commerce upon a basis of mutual benefit. We regret every civil contest that disturbs their peace and paralyzes their development, and are always ready to give our good offices for the restoration of peace. It must, however, be understood that this Government, while exercising the utmost forbearance towards weaker powers, will extend its strong and adequate protection to its citizens, to its officers, and to its humblest sailor when made the victims of wantonness and cruelty in resentment, not of their personal misconduct, but of the official acts of their Government.

Upon information received that Patrick Shields, an Irishman and probably a British subject, but at the time a fireman of the American steamer *Keweenaw*, in the harbor of Valparaiso for repairs, had been subjected to personal injuries in that city—largely by the police—I

directed the Attorney-General to cause the evidence of the officers and crew of that vessel to be taken upon its arrival in San Francisco; and that testimony is also herewith transmitted. The brutality and even savagery of the treatment of this poor man by the Chilean police would be incredible if the evidence of Shields was not supported by other direct testimony and by the distressing condition of the man himself when he was finally able to reach his vessel. The captain of the vessel says:

“He came back a wreck; black from his neck to his hips, from beating; weak and stupid, and is still in a kind of paralyzed condition, and has never been able to do duty since.”

A claim for reparation has been made in behalf of this man, for, while he was not a citizen of the United States, the doctrine long held by us, as expressed in the consular regulations, is: “The principles which are maintained by this Government in regard to the protection, as distinguished from the relief, of seamen are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are such; and in every regularly documented merchant vessel the crew will find their protection in the flag that covers them.”

I have as yet received no reply to our note of the 21st instant, but in my opinion I ought not to delay longer to bring these matters to the attention of Congress for such action as may be deemed appropriate.

BENJ. HARRISON.

EXECUTIVE MANSION,

January 25, 1892.

CORRESPONDENCE.

Mr. Egan to Mr. Blaine.

No. 88.]

LEGATION OF THE UNITED STATES,
Santiago, August 15, 1890. (Received September 25.)

SIR: I have the honor to inform you that his excellency the President of Chile has accepted the resignation of the ministry in which Señor Don Enrique S. Sanfuentes held the post of minister of the interior and Don Juan E. MacKenna that of foreign relations, and has appointed in its stead a new ministry, of which the following is the personnel: Don Belisario Prat, minister of Interior; Don Gregorio Donoso Vergara, of Justice and Public Instruction; Don Manuel Salustio Fernandez, of Treasury; Don Federico Errazuriz Echaurren, of War and Marine; Don Macario Vial, of Industry and Public Works; and Don José Tocornal, of Foreign Relations and Culture.

For some months past a very serious struggle has been in progress between the executive and legislative powers here, arising in the first instance from the belief on the part of the opposition that the influence of the Executive, which is very great, was being exercised in favor of a candidate for the Presidency who was not acceptable to the majority in Congress.

Under the constitution of Chile, adopted in 1833, the President has the power to appoint and remove, at his own will, the ministers of state and most of the public officials; but, as a check upon this power, Congress may, should the ministers not have its confidence, censure them; and such action on the part of Congress has heretofore been followed by the resignation of the ministers. In more extreme cases Congress can refuse to vote supplies.

In January last the President, without reference to the opinion of the majority in Congress, appointed a new ministry, and later on the fullest assurances were given that all idea of an official indorsement of any Presidential candidate had been abandoned. Upon the meeting of Congress, on the 1st of June last, the first step taken was to pass a vote of censure upon the ministry, without even according them a hearing. The ministers declared that this action of Congress was hasty and unjustifiable, and upon those grounds determined, with the approval of the President, to continue to hold their offices; whereupon both houses of Congress resolved that they should not vote the "contribuciones," or supplies, and, as the law empowering such collection lapsed on the 30th of June, this action left the Executive without power to collect import or export duties or revenues after that date.

During all of last month political party feeling ran very high, and for some time it looked as if the more extreme adherents of one party

or the other might resort to violence; but the good sense and patriotism which have always so strongly marked the Chilean character prevailed, an honorable compromise between the contending parties has been arrived at, and with the appointment of the present ministry by the President and the voting of supplies by Congress—which latter has just taken place—entire harmony has been restored.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 100.]

LEGATION OF THE UNITED STATES,
Santiago, October 17, 1890. (Received November 25.)

SIR: I have to inform you that the ministry, of the organization and personnel of which I conveyed the information in my No. 88 of the 15th of August last, has resigned, in consequence of alleged interference on the part of the Executive in the selection of a candidate for the presidency, and that on yesterday there was appointed by his excellency the President a new cabinet, of which the following is the composition: Minister of the Interior, Don Claudio Vicuña; of Justice and Public Instruction, Don Rafael Casanova; of the Treasury, Don Lauro Barros; of War and Marine, Gen. Don José Francisco Goma; of Public Works, Don Euliojio Allendes; and of foreign relations and culture, Don Domingo Godoy.

Since the resignation of the late ministry, which took place on the 7th instant, the President appears to have made repeated efforts to come to terms with the leaders of the radical section of his party (the Liberals), but without avail. He has therefore appointed the present ministry entirely from his own section of the party, which is in the minority in Congress, and he has taken the step of summarily closing the extraordinary session of Congress, which he had called for the 1st of the present month, and which was expected to continue until the end of December.

This action has caused intense feeling, and will lead to a very active agitation on the part of the opposition, which in all probability will continue until the election of members of Congress in March next. Then, however, the President's party will, so far as I can now judge, secure a majority.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,

Santiago, January 12, 1891. (Received January 14.)

On night of 6th instant six ships of Chilean navy, at instance of congressional majority, revolted and still lie inactive off shore; are now declared outlawed. Large number of opposition leaders on board. Army seems solid for President. The Government so far maintains perfect order throughout country.

Mr. Egan to Mr. Blaine.

No. 120.]

LEGATION OF THE UNITED STATES,
Santiago, January 12, 1891. (Received March 9.)

SIR: In my dispatch No. 100 of October 17 last, I had the honor to inform you of the resignation of the ministry of August 15, known as the Prats ministry; of the appointment by the President of a new ministry, elected entirely from his own section of the Liberal party; of the summary closing of the extraordinary session of Congress, and of the fact that those steps had caused intense feeling and would lead to very active agitation on the part of the opposition. This latter prediction has been more than verified. The feeling has intensified and the agitation has gone on increasing until it has at length broken out in an attempt at revolution.

The action of the President in closing Congress, as above stated, resulted from the fact having come to his knowledge that the opposition had prepared, and were about, as a matter of political strategy, to place upon the files of the House an impeachment of the ministry which held office from January to August; and, as Señor Don Enrique Sanfuentes, who was supposed to be the candidate favored by the Executive for the presidency, had been the chief of that cabinet from June to August, this impeachment would have made him ineligible for election. The President met this move by summarily closing the extraordinary session of Congress, as he was entitled under the constitution to do.

At the time that Congress was so closed it had not yet voted the estimates for the succeeding term, nor passed the bill fixing the number and providing for the maintenance of the army and navy, and the opposition claimed that after the last day of December the President, without such congressional authority, would stand in the position of a dictator; while the Executive maintained that it was the duty of Congress to have passed those laws within the term of the regular session, and that, having failed in doing so, it had become the duty of the President to do all that might be necessary for the preservation of order at home and the security of the national interests abroad.

Meantime the political struggle was carried on throughout the country between the opposition on the one side, composed of a coalition of the most divergent elements, including the conservative or church party, some groups of dissenting Liberals, and the extremeradical or antichurch party, and on the other the presidential Liberals; and, as it became more evident that under existing conditions the presidential party would secure a large majority in the coming Congress, the opposition, which is rich and powerful, prepared for revolution.

On the 1st instant the President issued, through the medium of the *Diario Oficial*, a very able exposition of the causes which have led up to the present deplorable situation and of the position which he proposes to maintain. I will forward copy of this manifesto, together with a translation, by next mail.

On the night of the 6th instant a number of the leaders of the opposition, including the vice-president of the senate, Señor Don Waldo Silva, and the president of the Chamber of Deputies, Don Ramon Barros Luco, proceeded on board the Chilean fleet lying in the harbor of Valparaiso, and, in the name of the national Congress, proclaimed the revolution. The ships taking part in this movement are the *Blanco Encalada*, the *Cochrane*, the *Esmeralda*, the *Huascar*, the *O'Higgins*, and the *Magellanes*, all of which are now under the command of Señor Don Jorge Montt. There are on board about 800 officers and crew;

about 200 soldiers, deserters from the regular army; about 300 to 400 boatmen and others picked up along the shore, and some 400 to 500 citizens.

There are three other ships now on the way from Europe, but steps have been taken by the Government to prevent them from falling into the hands of the revolutionists.

Immediately upon the leaders going on board on the night of the 6th instant the fleet stood out to sea, but returned to the bay in the course of the 7th, and fired a number of guns and made other signals, evidently anticipating friendly responses from the artillery and other branches of the army on shore, but none were returned. Since then, with the exception of occasional cruises alongshore by one or two of the ships, the fleet has remained inactive.

Meantime the President and his cabinet have taken the most active steps to organize the army, which from the best information I can gather appears to me to be entirely loyal, and to increase its strength, and up to the present the most complete order has been maintained everywhere throughout the country. I forwarded to-day, by way of Buenos Ayres, the west-coast cable being cut, a cable message summarizing the foregoing information.

An interesting feature of the struggle is the contention on the part of the President for a popular representative status similar to that occupied by the President of the United States, with the additional power to appoint and remove his ministers at pleasure, which right is given him under the constitution, while the opposition battles for a strictly parliamentary system and the removal of ministers whenever they cease to have the support of a majority in Congress.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 17, 1891. (Received January 19.)

Revolted fleet about to blockade Valparaiso, Iquique, and other ports. I have advised consuls to make strong protests. Squadron urgently needed for protection of United States interests.

Mr. Egan to Mr. Blaine.

No. 122.]

LEGATION OF THE UNITED STATES,
Santiago, January 17, 1891. (Received March 9.)

SIR: In compliance with a request from Señor Don Domingo Godoy, minister of foreign relations, I called yesterday at the ministry and there met the diplomatic representatives of Germany, England, and France. Señor Godoy informed us of the intended blockade of Iquique and other ports by the portion of the fleet in revolt, and requested to be informed as to what action would be taken, under the circumstances, by the diplomatic representatives of the several nations interested in the commerce of those ports. The members of the diplomatic body present agreed

that, in order to avoid coming into direct relations with the chiefs of the revolutionary squadron, a course which might in some measure imply recognition, they should confine themselves to advising the consuls at the several ports threatened to make strong protests against the blockade, and to convey such protests to the chiefs of the fleet and also to the intendentes. Since then I have received information of the intended blockade of Valparaiso, to take effect from 12 o'clock to-morrow. I have accordingly dispatched telegrams to the consuls at Valparaiso and Iquique advising them to make such protests, and have forwarded to you to-day by transandean route a cable message.

In the present condition of things here it would be of very greatest importance to have a United States squadron on this coast for the protection of United States interests, and I have so stated in my telegram.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 123.]

LEGATION OF THE UNITED STATES,
Santiago, January 19, 1891. (Received March 9.)

SIR: I have the honor to refer to my No. 120, of the 12th instant, and now inclose copy of the President's proclamation of January 1, from the *Diario Oficial* therein referred to, and translation of same from the *Chilean Times*, of Valparaiso, of the 17th instant. In it you will find a very full and interesting exposition of the causes which have led up to the present attempt at revolution and of the position which the President of the Republic has taken up.

Up to the present there has been no encounter between the contending forces beyond some slight brushes between the military and some boats of the squadron taking off refugees or recruits from the shore, and a few shots between one of the forts at Valparaiso and the ironclad *Blanco Encalada*. In the latter instance there were 6 of the crew of the *Blanco Encalada* killed and 8 wounded. The army seems to be entirely loyal to the Executive, and it is being rapidly increased. By the end of the month its number will reach 25,000 men.

So far the only foothold which the maritime forces have succeeded in gaining on shore is at Coquimbo, where they landed a few hundred men; but an effective force of Government troops is now on the way there to dislodge them.

The most entire order is maintained throughout the country.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 123.—Translated from the *Diario Oficial*.]

Proclamation of His Excellency the President of the Republic.

To the Nation:

To-day, January 1, 1891, I find myself governing Chile under the same conditions as during all the month of January and part of February in 1887, without a budget and without a renewal of the law providing for the strength of the land and sea forces.

All the Presidents since 1833 up to this date, with the exception of one only, have governed the Republic during years, months, and days, but always for some time, without a budget and without the law providing for the strength of the land and sea forces.

Up to this moment nobody has believed that the Presidents of this cultured and laborious nation have converted themselves into tyrants and dictators, because in cases of voluntary omission, negligence, or any other cause on the part of Congress to comply with the constitutional and ineludible duty of opportunely assisting in the passage of the budget and of the law providing for the strength of the land and sea forces they have continued, in obedience to a fundamental and express mandate of the constitution, to govern the State and to extend their authority to everything having for its object the preservation of public order at home and the security of the Republic abroad.

Articles 50 and 72 of the constitution say as follows:

"Art. 50. A citizen with the title of President of the Republic of Chile shall govern the State, and he is supreme chief of the nation.

"ART. 72. To the President of the Republic is confided the administration and government of the State, and his authority extends to everything having for its object the preservation of order at home and the security of the Republic abroad, observing and causing to be observed the constitution and the law."

By these prescriptions there is radiated in the President of the Republic all the sum of constant and necessary authority to insure public tranquillity, the preservation of order, and the security of the Republic abroad.

Article 28 of the constitution says:

"Only by virtue of a law is it permissible—

"2. To fix annually the expenses of public government.

"3. To fix also annually the strength of the land and sea forces in time of peace or of war.

"The act to authorize the recovery of taxes is for eighteen months only, and the act providing for the strength of the land and sea forces is only for an equal period of time."

The President of the Republic, Congress, and the council of state must take part in the formation of the budget and of the bill providing for the strength of the land and sea forces. These laws are not the exclusive attributes of Congress, and consequently this body can not, without being wanting in its most elementary duties, frustrate a constitutional mandate which affects the very foundations upon which rest the public powers. Neither can Congress frustrate the fulfillment of this duty by the President of the Republic, because in the formation of the laws which affect the security and government of the State each power must opportunely fulfill the obligations imposed upon it for the regular march of all the branches of Government.

This is the spirit and this is the letter of the fundamental law.

The constitution of 1833 was the definite triumph of the Conservative party, which sanctioned it, over the Liberal party, which promulgated the constitution of 1828. Under the sway of this constitution the Republic was unhinged, forasmuch as it anticipated, through an excess of decentralization and of liberty, the progress and the social and political situation of the period:

The adopters of the constitution of 1833 never thought that, in order to dominate the President of the Republic or to absorb the direction and government of the State, a majority of Congress might frustrate the opportune passage of constitutional laws, and thus perturb public order, excite political passion, and engender anarchy.

President Pinto, in a proclamation to the people, stated the intentions of the framers of the constitution of 1833 to be as follows:

"Despising theories as fascinating as impracticable, they have fixed their attention solely on the means of insuring forever order and public tranquillity against the risks to which they have been exposed through the ups and downs of political parties. The reform is nothing more than the method of putting an end to the revolutions and disturbances to which the derangement of the political system in which the triumph of the war of independence placed us gave rise. This is the means of making national liberty effective, which we should never obtain in its true state so long as the powers of the Government were not defined with exactitude and license was not opposed by restraints."

If the capital object of the constitution of 1833 was to vigorously strengthen the principle of authority and concentrate in the Executive the necessary sum of power to annihilate revolutions and license, it can not be conceived why it is pretended to convert the President of the Republic from an active into a passive power, subject to the will of an irresponsible power and with the right to refuse to pass the laws upon which repose the life, the credit, and the stability of our institutions.

Laws can not be dictated without the assent of the chief of state, because by virtue of articles 35, 36, and 37 of the constitution he has the power to veto them wholly or in part. It can not, therefore, be maintained by Congress that in the exercise of its legislative attributions it can impose upon the President the direction and the government of Chile, because this pretension is irreconcilable with the prerogatives of the chief of the nation and incompatible with the liberty, the independence, and the responsibility of the constitutional powers of Chile.

The attributions of Congress over the executive power are merely inquisitorial and critical, or the impeachment of ministers during their term of office and for six months afterwards, or the impeachment of the President of the Republic when he has completed his term of office.

These are the weapons which the constitution has placed in the hands of Congress for the purpose of resisting the abuses of the President and his ministers. But there can not be deduced from this the extraordinary pretension of paralyzing the constitutional regimen, of attacking the army and navy, or the public administration; because the President will not abdicate the right freely to name his ministers, or because he will not submit to the desires of a legislative majority.

Neither in the ordinary session, nor in the September prorogation, nor in the October extra session were the budget and the laws providing for the strength of the land and sea forces passed.

Congress was closed in October, it is true, but for reasons that I will state in the relation of the ideas and circumstances which I propose to set forth.

I have not convoked Congress subsequently, because in the discretionary exercise of my purely personal attributions I could convoke it or not according to the opinion or criterion that I might form with respect to the attitude the parliamentary majority would assume.

Everybody is acquainted with this attitude.

In the name of a pretended parliamentary regimen, incompatible with the Republic and the popular representative regimen laid down in the Constitution, it has been sought for purely electoral causes to obtain possession of the Government through ministers in the confidence of a majority in Congress.

In the press and in the official acts of the coalition it has been declared in the most peremptory terms that the majority of Congress has the right not to comply with the constitutional duty of opportunely passing the laws which affect the very existence of the State, and which may precipitate Chile into revolution and anarchy if the President does not deliver up to it through ministers in its confidence the direction and the government of the nation.

Neither as a Chilean, nor as the chief of state, nor as a man of conviction could I accept the political rôle the parliamentary coalition wished to impose upon me.

The majority of Congress has thought fit to infringe the constitution by not passing the budget and the law providing for the strength of the land and sea forces; it has thought fit to excite the army to disobey its chiefs and to stimulate the indifferent or disdainful populace to begin a revolution to extricate it from the moral and political situation into which it has been precipitated by its errors; it has stated that the President of the Republic is assuming a dictatorship, and because he has not delivered up the reins of government to those who vituperate him and distort his acts and purposes; and it has in its aberrations proclaimed revolution in the palace of the law. But neither its voluntary omissions, nor the aggressions which have covered the precincts of its sessions with opprobrium, nor the irregularities caused to the public service relieve me from complying inexorably with the constitutional duty imposed in my mandate by articles 50 and 72 of the constitution.

I can not for one single instant neglect to govern the State and preserve public order and the external security of Chile.

It is my duty to observe and cause to be observed the constitution. Because I am disposed to observe it, I will not deliver up my citizens to anarchy; and because it is my duty to cause it to be observed, I will never submit to Congress disowning my attributions, or to its arrogating sovereignty, or to its taking the title of representative of the people, because this would be an inraction of article 150 of the constitution, which the said article styles sedition.

The majority in Congress has not complied, nor has it desired to comply, with the constitutional duty of passing the budget and the land and sea forces bill. It has exposed our institutions to the dangers of a situation excited by personal circles divided among themselves, holding opposing doctrines, having different leaders and different ambitions, and in every case without responsibility.

If, in the opinion of the majority of Congress, its deliberate determination not to pass the laws affecting the life of the nation creates an irregular state of affairs for the President of the Republic, nobody in Chile, not even the public powers, have on that account the right to make a revolution.

Even in the supposition that the aberrations of the majority in Congress are imputable to the chief of the nation a revolution can not be proclaimed on that account. The constitution has provided for the event of the President of the Republic or his ministers infringing the constitution and the laws, and in view of this eventuality it prescribes, in articles 74, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92, the only order and form in which the President and his ministers can be made responsible.

All other procedure is contrary to the prescribed order and form and is revolutionary.

In obedience to the constitution it is my duty to govern the State and maintain internal order and the external security of my country; and therefore I shall maintain the army and navy and shall pay the services that constitute the social life and the very existence of the Republic.

II.

It will be advisable to consider the antecedents, in their most general and comprehensive features, of this truly historical hour.

Elected President in 1886, I procured the patriotic agreement of all the members of the divided Liberal family upon the basis of a sole political direction, a sole creed, and one and the same procedure. The most perfect respect towards the Conservative party formed part of the basis of this policy.

Never had more persevering efforts been made for the unification of the Liberal party. I forgot the violence of past struggles, and I called to assist in the task of governing all the Liberals who had helped to give me the supreme command. The Nationals publicly declared, through their representatives in the Government, that they joined the ranks of the party on the same conditions as all other members. The Dissident Liberals also accepted the policy of unification and declared that in future they should consider themselves as members of the Liberal party.

After the elections in 1888, and when Congress was constituted, there occurred in the ministry, owing to a partial crisis, a stormy disagreement between the Nationals and Dissident Liberals. After the election of the chambers it resulted that the Nationals had remained Nationals and a portion of the Dissident Liberals again became what they before had been.

From that moment it was not possible to organize a ministry that would insure the quietude of the Liberal party. The Nationals declined to form part of the ministry which succeeded that which resigned in April, 1888, and on this account the quarrels and jealousies of personal circles began anew. All the work of unification of 1886 and 1887 was finally compromised by the personal sympathies or antipathies of the different parliamentary groups. During a year and a half the Liberal groups fought among themselves like natural and irreconcilable enemies.

With the object of correcting these errors and of procuring the union of all the Liberals, my condescension carried me to the length of organizing the ministry of October, 1889. In it I gave representation to five liberal parties, each with different leaders and direction, one of these parties having consisted of four deputies and four senators only.

Nevertheless, this did not bring about any agreement in the October ministry, nor in the congressional groups which they represented. Some of the liberal parties agreed, in January of the year just closed, upon the basis of a convention to designate the candidate of the Liberal party for the Presidency of the Republic, disregarding altogether the party which had the greatest numerical representation in Congress and the leading provincial Liberals, and without departmental delegates, in order by this means to give to Santiago circles the solution of the electoral problem, with manifest forgetfulness of the principles maintained by the party and of the respect due to the general opinion of the country.

The rupture of the Liberal parties was made public, and odious manifestations took place in the Chamber of Deputies, the crisis of last January resulting from this cause.

Never, in speeches and in the press, was such violent and opprobrious language made use of. It was desired to conclude with the respect due to the authorities, and to raise the parliamentary majority to the sole sovereignty as the only one worthy of the adhesion of Chileans.

At the opening of Congress on June 1 last Don Enrique S. Sanfuentes, performing an act of chivalry and patriotism, accepted the position of minister of the interior and declared in and out of Congress that his supposed candidature to the Presidency was irrevocably eliminated. He called everybody to a generous and honorable agreement, as the only cause assigned for the disunion of the Liberal party was his supposed official candidature.

But they who refused to listen heard nothing.

The ministry of Señor Sanfuentes was violently censured before being heard in both chambers. There was no respect, no liberty of defense, nor even the courtesy which the Chamber of Deputies had always shown to the representatives of the Executive. It was necessary for the ministry to abandon the precincts of Congress, lamenting the errors which undermine the prestige and the authority of the constituted powers.

In July the parliamentary coalition suspended the recovery of taxes, and this law of national existence was converted into an offensive weapon, which was wielded in such a manner as it never has been by any congress in the world.

The conflict being terminated by the resignation of the Sanfuentes ministry and the organization of that presided over by Señor Prats, the latter raised over the combatants the banner of political neutrality, which favored all alike.

The policy of neutrality was faithfully observed.

Political parties were organized and they commenced work with the view of enlisting adherents. But the policy of neutrality involved a serious danger for a considerable part of the parliamentary coalition, which had no adherents to speak of except in a few towns. It was without support among the people, and, no matter how numerous it might have been in Congress, there was no possibility of its maintaining the situation it aspired to under the regimen of the neutrality which had been proclaimed.

It was owing to this circumstance that the majority in Congress obstructed the passage of the bill providing for the strength of the land and sea forces; and it was on this account it was voted in public and even to members of the Government that supplies would be voted month by month only, and that the want of confidence would be maintained in all its vigor until such time as they possessed more direct influence in the direction of the Government.

The Prats ministry did not fight, nor did it desire to fight, and, being undermined finally by the suspicions of the parliamentary majority, which it could not satisfy without breaking the neutrality in detriment of the Liberal party which had all along supported the Government in difficult times, it resigned.

Acting on the patriotic suggestion of this ministry and on my own very lively desire to make a last effort for the pacification of Congress and the union of all the Liberals, I proposed, through the medium of the respectable and well-known gentlemen Messrs. Enrique S. Sanfuentes, Anibal Zañartu, and José Tocornal, a sole convention for the designation of a candidate for the Presidency of the Republic.

I proposed that the conditions of the convention should be discussed and agreed upon by all parties; but I expressed to everybody the desire that the programme of the convention should be framed in such a manner as to prevent the Conservatives attending, inasmuch as they were intimately united by friendship and partnership with Nationals, Radicals, and Dissentients; and I asked, in fine, that the number of votes required for the proclamation of a candidate should be two-thirds, three-fourths, four-fifths, or as many as they chose, provided that it could be proved by the required number of votes that the President of the Republic would be powerless to influence the designation of a candidate.

I could do no more.

If the ostensible cause of the political disagreement was the gratuitous supposition that I supported and assisted an official candidate, that cause disappeared absolutely from the moment in which I offered to the coalition, with the consent of the Liberal party that was giving me its support, that it should fix the quota of votes required to designate a candidate, accepting beforehand the number they should judge to be necessary to destroy all official influence, and that should assure me by this means a quiet government for the remainder of my term of office. I can not conceive what more efficacious method nor what more conclusive proof I could have given of my respect for the opinion of all, and of my willingness to accept the resolution of political parties, and of my wish to conclude my term in peace.

But the sole convention suggested by the Prats ministry, and accepted and supported by me in a form so advantageous for the coalition, was accepted for a moment and rejected on the day following.

Did vacillation supervene among the numerous aspirants to the Presidency in the ranks of the coalition, or did they comprehend the anarchy to which they might be dragged by the ambitions of their own leaders? Were the sole convention and the designation of a candidate without official interference subordinate questions, because the principal, if not the sole and only, question was to obtain possession of the official influences which were so loudly impugned?

The facts speak for themselves.

The sole convention was rejected and a ministerial organization was demanded.

If the sole convention had been accepted, it would have been followed by the organization, free from odious suggestions, of a ministry of all parties, which in its official position should be a guaranty to all of my impartiality and electoral nonintervention. But neither a tranquil and respectful solution between the public powers nor the electoral nonintervention of the Government were desired, but the unconditional and absolute dominion over Congress.

Nevertheless, I acceded to the desires of the coalition, and I formed a ministerial combination in which there figured Don Zorobabel Rodriguez for the Conservatives; Don Manuel Amunátegui, closely allied with Dissentients and Radicals; Don Dario Zañartu, as intimate a friend of the Nationals as of their Liberal adherents; and Messrs. Claudio Vicuña, Lauro Barros, and Fernando Lazcano, all most honorable persons, whose antecedents and uprightness were a pledge of peace for friends and adversaries.

This combination was rejected by the coalition, just as the sole convention had been.

The situation was clearly defined.

They wished me to abdicate or submit to the parliamentary coalition.

And, in order to arrive more rapidly at these extreme results, the respective committees of the Chamber of Deputies and the coalition had agreed to demand the annulment of the privileges of the councillor of state, Don Gabriel Vidal. It was also agreed to reform the rules of the Chamber of Deputies, with the object of fixing certain invariable periods for granting fixed sums in the public expenditure and leaving the variable items to the uncertain result of indefinite discussions. Finally, it was resolved to impeach the ministry of May, notwithstanding that the proposal to impeach had been rejected in August. Neither a sole convention nor a ministry in accord with the Executive and legislature was desired; it was desired to make government an impossibility, and to hurl me from the position to which my fellow-citizens elected me by the very men who said they were elected senators and deputies through my official intervention in 1888, and many of whom I had covered with honors and benefits.

For honor, for duty, for a profound conviction of what the Government of Chile is and ought to be, and because I was provoked to an irrevocable conflict, I closed Congress and took upon myself the entire responsibility of events.

It was to have been expected that the coalition would have taken a moment's repose, in order to give room to more equitable inspirations and to the reflection and tact by which politicians who have legitimate and reasonable ambitions ought to be governed. But the coalition found a home in the Comision Conservadora.

It was agreed to break the constitution and the law by permitting persons not belonging to the comision to take part in its debates. Electoral intervention committees were appointed to visit the country and towns, and these committees were formed by persons interested in the electoral contest, and by persons without any right to figure in the Comision Conservadora. It was resolved to sit without a legal quorum. Arbitrary resolutions opposed to the doctrines maintained officially and publicly by the members of the Comision have been dictated. Every kind of weapon has been employed, and the palace of Congress has been converted into an arena of the most deplorable political aberrations.

This political decadence has authorized personal and selfish alliances, in which the ideas and the very affiliation of parties have been wrecked.

The exigencies of the moment drew the Liberals to the diminutive Conservative fraction in Congress, and before it they hauled down their banner and maintained, by the side of the Conservative leaders, ideas entirely opposite to those which, as Liberals, they had maintained on electoral matters and, above all, on municipal matters. The very persons who had combatted Conservative leaders and ideas united themselves with the Conservative party and hotly maintained the opposite of what, as Liberals, they had maintained a few months previously in the Government and Congress.

The electoral law which the opposition Liberals and Conservatives prepared last autumn was passed in a most unconstitutional manner.

Many substitute senators whose term expired in this year had it prorogued for three years more, they themselves voting for the change and taking advantage of the political difficulties of the moment. It was resolved to accumulate departments for the election of deputies, against the constant interpretation given to the fundamental principle by Chilean politicians during fifty-seven years. Provinces were accumulated for the election of senators, the Congress of 1890 resolving exactly the contrary to what the Congress which made the reform in the constitution agreed to by a special vote on the matter.

The absolute want of study and experience of the framers of the law has been shown in practice. It is a mass of errors and want of foresight which I had to accept in order to avoid creating difficulties with respect to the policy of neutrality proclaimed by the Prats ministry.

With respect to the proposed municipal law, it may be affirmed that, with regard to the constitutional order of a country and taking into account its social, political, and economic condition, there has never been framed a law with such strange provisions, nor one that proves more clearly the want of science, practical observation, and of respect for the constitution that rules the destinies of the nation, for economic justice and national convenience. It was a proposed law of circumstances, upon which, for the political interests of the moment, almost everybody agreed to against the conviction of all.

The Liberals are not wanting in the necessary science and experience to form a clear conception of that singular work, but the necessity of keeping united with the Conservatives to impugn the Liberal party and make the President of the Republic submit, has caused them to forget their convictions and their past and to place

DIPLOMATIC CORRESPONDENCE.

themselves unconditionally at the service of the diminutive fraction of the Conservative party in Congress.

It is necessary to recognize that in all these evolutions the real public interest has fallen under the feet of those who maintain the predominance of the parliamentary coalition. The same thing happened in August, when the coalition endeavored to cause the State to lose from \$6,000,000 to \$8,000,000, the amount of the imposts not paid during the forty-four days in which the same coalition arbitrarily suspended the recovery of taxes.

In this manner the good ideas, sound doctrine, prudence, moderation, and patriotism with which the grand social or political problems of state ought to be contemplated are wrecked.

In the meantime the bills which I presented for increasing the pay of the army and navy, the judiciary, and employés of the custom-house, treasury, and public instruction are allowed to perish in the archives of Congress. Nor have there been passed the bills for creating savings banks for public employés, waterworks, drainage for large towns, and railways for Putaendo, Nacimiento, Cerrillos de Ovalle, and many others designed for the progress of the nation and the public welfare.

All the policy of the coalition has been directed of late to the demolition of our institutions and to the seizure of the Government of the nation.

This is the only manner in which can be explained the alarm which has been spread for the purpose of creating agitation, because the majority in Congress has not fulfilled its duty by passing the budget and the land and sea forces bill.

It is a fact known to everybody that all the Presidents of Chile, except one, have governed for some time without the passage of the land and sea forces act.

The same thing has happened with the budget.

During the Búlnes administration, in the years 1848, 1850, and 1851, the budget was agreed to after the 1st of January.

During the Perez administration the budget of 1864 was promulgated on January 19, that of 1867 on the 8th, that of 1869 on the 2d, that of 1870 on the 16th, and that of 1871 on the 10th of January. So that in five years the Perez administration governed for some time without a budget.

During the Errázuriz administration the budget of 1872 was promulgated on January 11, that of 1873 on the 4th, and that of 1876 on the 3d. So that President Errázuriz was for some time in identically the same situation as President Perez.

During all the years of the Pinto administration the budget was promulgated after the 1st of January. In 1877 it was promulgated on January 27, in 1878 on the 21st, in 1879 on the 21st, in 1880 on the 6th, and in 1881 on the 25th.

In 1882 the budget was promulgated on January 13; in 1883 on the 22d; in 1884 on the 19th, in 1885 on the 23d, and in 1886 on February 9, or forty days after January 1. President Santa Maria governed for upwards of a month without a budget.

Finally, on February 14, 1887, I promulgated the budget, Don Augustin Edwards being minister of finance. So that I have governed Chile forty-five days without a budget.

The Presidents of Chile were never stigmatized as tyrants or dictators on account of these occurrences.

But let us see what is the dictatorship of which I am accused, and what is the question of government created by Congress by the nonfulfillment of its constitutional duties.

The whole of the question is this:

(1) Shall or shall not the army and navy be paid their wages, and shall or shall not the service of the debt and the cost of the naval constructions be defrayed?

(2) Shall or shall not the 30,000 public employés and the 40,000 workmen employed on railways, roads, bridges, schools, lyceums, jails, temples, and so many works that aggrandize Chile be paid for their services or not?

With respect to the pay of the army and navy, although the law is for one year, the constitution says that the taxes shall be decreed for eighteen months, and they expire at the end of next June.

With respect to the pay of the public employés and the men employed on public works, we will not leave them without bread. We will not deprive thousands of men and their families who earn a livelihood by giving their services to the State of work or pay.

It being our duty, in the strict fulfillment of the imperative mandates of the constitution, to govern the State and maintain the internal and external order of Chile, we will not deliver up the army and navy to misery, nor the servants of Chile to despair. They are the guaranty of order, public peace, and social life.

There may occur irregularities in the public administration in consequence of the majority in Congress having frustrated the passage of the constitutional laws which more directly concern the national institutions; but the majority in Congress has no power to overthrow the constitution, nor to annihilate the Executive, nor has it the right to incite to anarchy and to proclaim a revolution.

III.

This conflict of powers arises not only from the exorbitant political pretensions of the majority in Congress, but from a profound error of conception and of criterion.

"The Government of Chile is popular representative. The sovereignty resides essentially in the nation which delegates its exercise in the authorities prescribed by this constitution."

Notwithstanding the clear and incontrovertible meaning of this precept of the political constitution, the coalition maintains that the Government of Chile is parliamentary, that Congress is the only sovereign, the only one to whom it corresponds to fix annually the strength of the land and sea forces and the amount of the estimates of public expenditure.

It is not a fact that to Congress alone corresponds the duty of fixing the strength of the forces and the amount of the expenditure, as has been peremptorily laid down by the Comision Conservadora. The estimates and the forces bill do not belong exclusively to Congress. On the contrary, they are laws in the formation of which the Executive takes a part. The joint action of the Executive and Congress is required; and as the duties which the constitution imposes on both powers are equal, Congress can not in the name of a parliamentary regimen not authorized by the constitution frustrate the passage of fundamental laws for the preservation of the State and public peace.

As I have said already, reasonable and patriotic parliamentary criticism, or the impeachment of the President and ministers in the form authorized by the constitution, is the only manner in which Congress can exercise its power of supervision. The refusal to pass the laws from which the State derives its existence is simply the dictatorship of Congress over the Executive, or revolution.

The parliamentary regimen advocated by the coalition is incompatible with republican government. Parliamentary regimen is monarchical government with republican ideas. The republic and parliamentary government are ideas which find no place within the science and experience of modern public law.

Parliamentary government supposes an irresponsible, lifelong, hereditary monarch. The chief of the executive power in a parliamentary government is practically and effectively the minister who has a parliamentary majority and who governs in its name. And when the monarch is not in accord with the parliament he has the right to dissolve it and appeal to the electors, and then to govern with the majority of the people that represents the sovereignty.

The Government of the Republic is carried on by a chief and responsible ministers with a temporary mandate, the President, as well as the Congress, being elected by the people. The chief of the executive, practically and by the constitution, is the President of the Republic.

It can not be supposed that in the Government of the Republic, nor could the legislators of 1833 have supposed it, in addition to the right of criticism and impeachment of the President and the ministers, there is the right of frustrating the passage of laws which constitute the public life, as a right which is derived from a constitution whose capital object was to extirpate revolutions and to put bounds to license.

If it were the case that the idea of the legislature of 1833 was to give Congress the faculty to dictate or not, according to its political criterion, the laws that assure the very existence of the Republic, they would have said so.

They did not say so because that was not their intention. For the same reason that they adopted the representative regimen, with independent and responsible powers, they did not endow Congress with the faculty of frustrating the passage of constitutional laws, nor did they endow the President of the Republic with the faculty of dissolving Congress and of appealing to the country if disagreements which they did not foresee should arise, nor authorized in their labor of the reorganization and strengthening of the principle of authority in Chile.

It is true that the spirit of imitation of the European monarchical parliamentary regimen has induced many to believe, during some time, that in practice a parliamentary regimen was advisable. On this account I have endeavored during upward of three years to procure harmony with Congress, the unification of the Liberal party, and concert between the public powers.

The effort has been sterile. The importance given to the pretended parliamentary regimen has at length broken harmony with Congress, and Congress, believing itself to be the only sovereign and the first of all the powers, has forgotten the respect due to the chief of state and has attempted to subjugate him; and it has believed, following the extreme rules of the monarchical parliamentary governments, that it possesses the right not to pass the most essential laws, thus violating the representative regimen prescribed in the constitution now in force and ignoring the privileges and prerogatives of the chief of the nation.

If Congress should succeed in dominating the executive power and should make laws and execute them, we shall have entered resolutely upon the road to tyranny and a dictatorship. As the President does not possess the power, in case of disagreement with Congress, or of omission on the part of the chambers in the fulfillment of their duties, to dissolve them and appeal to the country, we should sanction, in accepting parliamentary predominance, the unconditional and absolute sovereignty of Congress, and during the duration of its mandate, for the reason that it could not be dissolved, of Congress over the people.

IV.

In sixty days more the Chilean people will have elected their representatives and will have pronounced their just and final verdict.

Circumstances have permitted that the actual Congress can not meet of its own will and that very shortly the people give their decision on the actual conflict.

This is what happens in countries with parliamentary government.

It is advisable to leave on record here that the conflict which has been raised against me is not due to any of the intense and profound causes which compromise the prestige of foreign relations, or that affect questions of a character truly national or popular.

The numerous and heavy international claims arising out of the late war having been settled under highly satisfactory conditions, the nitrate certificates in our possession having been canceled, the claims of the Peruvian creditors holding bonds for upwards of £32,000,000 having been terminated, and the integrity of our honor and right having been defended under all circumstances with moderation and energy, there is nothing in our foreign relations which is not calculated to strengthen and augment the prestige of Chile.

The credit abroad of the Republic has reached the level of that of the first nations. All of the public works have been executed out of the ordinary revenue, because the surplus in the treasury is even larger than the amount derived from the loan for the construction of railways. Several taxes have been repealed and others have been reduced. The amortizable home debt has been nearly canceled. Hygienic, educational, and reproductive works have been constructed in all the Republic and in every branch of the public service. The armament of the army and navy has been largely increased.

I have not persecuted any of my citizens.

My lips have been sealed, and I have not opened them against my adversaries.

I have been the object of invectives and violent language of every degree, and I am called a tyrant and dictator by a press which has overpassed all bounds and has arrived in its license to lengths never before reached in any country of the world.

I promulgated without any objection the electoral laws passed by the parliamentary coalition, and which were prepared and intended to destroy the influence of the executive power and to favor the interest of their framers.

I have accepted all reasonable solutions which might conduct us to patriotic harmony and to the resolution by the country of the grave problems which divided us.

My acts bear testimony to these facts, and the numerous ministers of state who now form in the coalition and who shared with me the honorable task of governing the Republic can also bear similar testimony.

All kinds of industry are prosperous, there is general welfare, and the working classes, in whom I have found my most useful coöperators in the important and numerous works in progress, have constant and well-remunerated work.

It is on this account that the people have not associated, nor will they associate, themselves with a work which is not their work, but which is merely in the interest of a circle and of the predominance of Congress over the executive power. Hence it is that the provinces and departments are tranquil, and that the absorbing and subduing spirit of the parliamentary circles whose seat is in the capital has penetrated into few localities.

Therefore, a national conflict is not treated of, nor a struggle between the executive power and the people, but of Congress, or, in other words, the parliamentary coalition of the capital against the executive power.

V.

These antecedents carry us to this inevitable conclusion:

We are governed by the popular representative regimen prescribed in article 1 of the constitution; I appoint or remove cabinet ministers at my pleasure by virtue of the express authority conferred on me by section 6 of article 73 of the constitution, and I preserve the liberty and independence which corresponds to me in the consti-

tutional structure as the responsible head of the executive power and with equally responsible ministers, in the form prescribed in article 74 and from the eighty-third to the ninety-second article of the same constitution.

Or we are governed by a parliamentary regimen which is not authorized or sanctioned by the constitution, and is incompatible with the Republic and the independence of the public powers, and I submit myself to the will of Congress as to a superior and sovereign power, and I only appoint ministers in the confidence of Congress, and I admit that Congress may paralyze the march of government and frustrate the passage of constitutional measures, and, together with ministers, I decline the responsibility that proceeds from the liberty of exercising our functions in Congress which the executive power claims, and I subordinate my acts and my views to their purposes.

The ambition of the coalition has been developed under the ideas belonging to parliamentary government; and, in the fulfillment of my duty and in the exercise of my constitutional prerogatives, I shall oppose it with unfaltering resistance.

Representative government or parliamentary government.

This is the dilemma.

I elect for the representative government ordained by the constitution. For my part I shall practice it and shall cause it to be practiced, in obedience to article 72, which commands me to compel everybody to obey the constitution.

The causes which compelled me to close Congress on the 15th of October last have been stated. These causes were aggravated afterwards by the precipitate conduct of the Comision Conservadora and by the explicit declarations made to the effect that they would not pass the budget and the land and sea forces bill if there were not a change of ministry, if in practice parliamentary regimen were not recognized, and if the right of Congress to impose its policy on the chief of state through the right it attributes to itself of frustrating constitutional laws and of paralyzing or reducing society and public administration to anarchy were not accepted.

No change having occurred in the situation and the fact of its having subsequently become more serious and difficult, the convocation of Congress would have been useless, because so soon as Congress should have attempted to execute any act in conformity with its ideas of parliamentary government I should have had to close it anew, and who knows under what conditions and with what consequences!

When the members of Congress and of the Comision Conservadora proclaim disobedience to the authorities and revolution, it does not belong to a chief of state, whose duty it is to foresee and prevent certain occurrences, to carry away by his own act theater and performers, and thus carelessly compromise social and political respect and the seriousness and moderation which constitute our most honorable traditions.

The land and sea forces bill was passed by the Senate and was kept back by the Chamber of Deputies. Neither during the ordinary session, nor during the September prorogation, nor during the recess, nor during the extra session in October, nor after the closure of Congress, has the report of the joint committee on the estimates been dispatched. This was terminated—a circumstance which has never occurred before—four days ago.

The attitude corresponds to the deliberate determination not to pass the constitutional laws until the coalition shall have triumphed over the executive power.

It is necessary to say it in the face of the entire Republic: it shall not triumph with my assistance.

I do not recognize the pretensions of Congress, and therefore I do not dissolve the army and navy, because such a step would be to conclude with public order in the interior and with the exterior security of the Republic; nor will I leave the servants of Chile without remuneration, because that would be to conclude with the administration and the government of the State.

I am not unknown to Chileans, yet, nevertheless, they call me a dictator.

In order to call me dictator with justice, it would be necessary for me to have usurped power by unlawful means; that I should have arrived at supreme power by means of rioting or revolution; that I should have continued in the Presidency for a longer period than my constitutional term; that I should have trampled under foot the law and established order for my own benefit or for that of my adherents; that I should have unlawfully imprisoned citizens; or that I should have inspired terror.

But the ruler can not be a dictator who defends the attributions and the power the people have confided to him; who observes and causes to be observed the constitution; who responds for his actions to his constitutional judges and in the ample form provided by the constitution; who serenely and without vacillation awaits the verdict that the nation will pronounce in March next; and who, if he resists the invasions of Congress and incitement to revolution, does nothing more than comply with the obligations that emanate from the constitution and the inseparable honor of those elected by Chile to direct and preserve it in the hours of storm and trial.

The army and navy have been incited to disobey and revolt.

Vain attempt!

The army and the navy have imperishable glories gained in war and peace. They know that I am their constitutional chief, that by article 148 of the constitution they are essentially obedient forces, that they can not deliberate, and that they have been and will continue to be, for the honor of Chile and the repose of our society, the corner stone upon which the public peace reposes.

In a few months hence I shall cease to be the head of the Republic.

There is not at the close of public life, nor in the last hour of government of a right-minded man, either the ambition or the incitement to conduce to a dictatorship.

A dictatorship may be undertaken in order to arrive at power, but it is not in the logic of politics nor in the nature of things that a man who has lived a quarter of a century in the customary conflicts of public life should aim at a dictatorship in leaving power.

I have no honors to hope for nor ambitions to satisfy. But I have sacred obligations to fulfill toward my country and toward the Liberal party which raised me to power and which governs in conformity with the Liberal doctrine, without alliances or abdications, without affectation, and without defection.

It is a solemn hour.

In it we shall fulfill our duty.

J. M. BALMACEDA.

Mr. Egan to Mr. Blaine.

No. 129.]

LEGATION OF THE UNITED STATES,
Santiago, February 13, 1891. (Received April 4.)

SIR: Since writing my No. 123, of January 19, ultimo, there has been no regular mail from here. There is yet but slight change in the situation. The position which the revolutionists had seized at Coquimbo, and which gave them a good source from which to draw provisions, etc., for the fleet, was recaptured by the Government on January 25, and, so far as I can learn from reliable sources, all attempts made from the fleet since to effect a landing have been repulsed.

When the revolution commenced on January 7 the entire number of troops which the Government had under arms in the entire country was 3,500 men. It has now a well equipped army of 26,000 men, while the fleet can not have increased its numbers to any appreciable extent. With the exception of eight or ten slight encounters, on the occasion of attempted landings, in all of which the casualties do not exceed 200 killed and 300 to 400 men wounded, the country up to the latest authentic accounts has continued entirely tranquil, and the most complete order prevails everywhere throughout the interior.

There was a threat on the part of the fleet to bombard Iquique on the 5th instant, which was not carried into effect, owing, I believe, to an energetic protest made by all of the foreign consuls; but there are rumors of the bombardment and burning of the small town of Pisagua, near Iquique, which rumors yet lack confirmation.

I am glad to be able to say that in every case during the present troubles, where the interests of a United States citizen were endangered, the Government has taken the most prompt and energetic steps to see that their persons and properties were protected. The United States consul at Valparaiso has just written me:

Whatever the outcome of the present troubles may be I shall always remember that the authorities here have treated me with uniform kindness and courtesy, and that so far they have refused no favors I have asked.

From reference to the archives I perceive that the present good feeling on the part of the Government toward United States citizens and United States interests presents a very agreeable contrast to that shown during the revolutionary movements of the years 1851 and 1859.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 135.]

LEGATION OF THE UNITED STATES,
Santiago, February 23, 1891. (Received April 25.)

SIR: I have the honor to inform you that on yesterday I received from Rear-Admiral McCann a telegram requesting that I would notify the Department of the Navy of his arrival at Talcahuano. I accordingly cabled as follows:

To BLAINE, Washington:

Pensacola arrived Talcahuano 20th. Admiral McCann desires inform Secretary Navy. Some fighting Iquique. Remainder country tranquil. EGAN.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 136.]

LEGATION OF THE UNITED STATES,
Santiago, March 4, 1891. (Received April 25.)

SIR: To-day I am in receipt of letters from Mr. Joseph W. Merriam, United States consul at Iquique, dated February 21 and 23, informing me of the abandonment of Iquique on February 16 by the Government forces and its occupation on same day by a force of marines from the revolutionary fleet; also, of the subsequent attempt on February 19, of a small force of Government troops to retake it, which led to the burning of a part of the town by the Government troops and the serious damage of other parts by bombardment from the fleet. During this fight the United States consulate was completely destroyed, with all its property and archives, of which the Department will be fully informed by Mr. Merriam.

From other sources I learn that the Government forces are intrenched upon the heights back of Iquique awaiting reinforcements, and that their purpose is to blockade the town from the land side in order to prevent the shipment of nitrates.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, March 8, 1891.

Mr. Egan states that the minister for foreign affairs urgently requests that the Government of the United States will permit one of its ships to carry from Valparaiso to Montevideo a sum of about \$4,000,000, bar silver, which is required for the payment of the interest on the national debt abroad; that the Chilean Government fears its capture by revolted fleet if the sum is sent in the regular course of business; and that outside of Iquique, which has been captured by fleet, the country is perfectly tranquil.

Mr. Egan to Mr. Blaine.

No. 138.]

LEGATION OF THE UNITED STATES,
Santiago, March 9, 1891. (Received April 25.)

SIR: I have the honor to inform you that on yesterday there was held the national convention of the Liberal party, or party of the Government, and that Señor Don Claudio Vicuña, the present minister of interior, was unanimously chosen as candidate for the Presidency. The Conservative party and the radical section of the Liberal party having joined hands in the present revolutionary movement, are, of course, shut out from participation in the elections, and Señor Vicuña will be elected without serious opposition. The Government supporters will also carry, without difficulty, almost the entire representation at the elections for Congress, which will take place on the 29th of the present month.

The Government expects that this will be a severe blow to the prestige of the revolutionists, who claim to act in the name and by the authority of the national Congress.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 143.]

LEGATION OF THE UNITED STATES,
Santiago, March 17, 1891. (Received April 25.)

SIR: On Thursday, the 12th instant, information reached here that a very severe battle had been fought on the 7th instant near Iquique between the Government forces and the revolutionists, in which the forces of the Government, numbering about 1,500 men, were completely annihilated, and the commander, Col. Robles, killed in the ambulance after the battle, as were also most of the wounded officers. The revolutionists numbered about 2,500 men, of whom they lost close on 1,000 in killed and wounded. This gives the revolutionists the control of the province of Tarapaca as a base of operations and will enable them to enter upon a long and desperate struggle.

The Government of President Balmaceda is well organized, vigilant, and determined, and after all the losses in Tarapacá it has now some 30,000 available troops, well equipped and loyal, which number it is daily increasing. It has also two new fast cruisers, the *Almirante Lynch* and *Almirante Condell*, which are hourly expected from Montevideo; as also the war sloop *Pilcomayo*, and, in addition to a new ironclad which is just completed for it in France, it has, I believe, purchased in Europe two ironclads, so that some fighting on sea may be expected very soon. The revolutionists have, on the other hand, the fleet consisting of seven war ships, the *Blanco Encalada*, *Cochrane*, *Esmeralda*, *Huascar*, *O'Higgins*, *Magellanes*, and *Abtao*, together with several of the vessels of the Chilean corporation, La Compañía Sud Americana de Vapores, which they seized and converted into transports. They have also a force of some 2,000 soldiers, which can be augmented by recruits from Tarapacá.

From the peculiar geographical form of the country, stretching as it does some 3,000 miles from south to north, and from the fact that there is no railroad communication with Tarapacá, and that that province, on account of the inhospitable nature of its soil as also of the approaches

from the south, is entirely isolated, the Government can not carry the war into that region; while at present it does not seem possible that the revolutionists can command sufficient force to enable them to make a successful demonstration anywhere south of Coquimbo. For these reasons I look for a long, a bitter, and a sanguinary struggle, with the chances of ultimate victory very largely on the side of the Government.

The west coast telegraph cable being cut between here and Iquique and the Central and South American Company's cable not being permitted to commence operation, you will of course receive no cable news through the press except that sent out from revolutionary sources at Iquique.

I may mention as a feature of much interest the fact that the revolution has the undivided sympathy, and in many cases the active support, of the English residents in Chile. Col. Robles, the ill-fated commander of the Government forces at Iquique, officially reported to the Government that the managers and superintendents of the English *oficinas* in Tarapacá urged their workmen to join the revolutionists, promising them \$2 per day during their term of service and at the same time holding out the threat that unless they did join they would never again get employment in Tarapacá. It is known that many English houses have subscribed liberally to the revolutionary fund. Among others, it is openly stated by the leaders of the revolution, Mr. John Thomas North contributed the sum of one hundred thousand pounds sterling.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 144.]

LEGATION OF THE UNITED STATES,
Santiago, March 17, 1891. (Received April 25.)

SIR: I have the honor to inform you that Señor Don Claudio Vicuña, who on the 8th instant was nominated as the candidate of the Liberal party for the Presidency, has resigned the position of minister of interior, and that Don Domingo Godoy, hitherto minister of foreign relations, has been appointed thereto, his place being filled by the appointment of Don Ricardo Crusat.

I beg to remain, etc.,

PATRICK EGAN.

Mr. Blaine to Mr. Egan.

No. 86.]

DEPARTMENT OF STATE,
Washington, March 23, 1891.

SIR: I desire to apprise you, in connection with previous correspondence, of the receipt of a letter from the Secretary of the Navy, of the 19th instant, saying the United States steamship *Pensacola* arrived at Valparaiso, in obedience to the orders of that Department, on the 28th of February, and that the United States steamship *Baltimore* was about to depart from Montevideo for the same destination. It is also proposed to dispatch the United States steamship *San Francisco* from San Francisco as soon as instructions can be sent to her.

I am, etc.,

JAMES G. BLAINE.

Mr. Egan to Mr. Blaine.

No. 147.]

LEGATION OF THE UNITED STATES,
Santiago, March 31, 1891. (Received May 5.)

SIR: Since my No. 143, of the 17th instant, there is but little to report in the progress of the revolution. On account of the impossibility of keeping up a supply of fresh water at Antofagasta, of the sterile nature of the surrounding country, and of the exposed position of the port, the Government withdrew its forces from that town and retired them inland to Calama, a distance of 160 miles, first destroying the nitrate works and the railroad and sending all the rolling stock to the interior. All the other positions south of Antofagasta are firmly held by the Government, which is rapidly increasing and organizing its forces. The new ships *Almirante Lynch* and *Almirante Condell*, referred to in my dispatch of the 17th, arrived on the 22d, and are now in Valparaiso ready for active service.

On Sunday the 29th instant, a general election was held in all parts of the country except Tarapacá, resulting in the return of 30 senators and 90 congressmen, nearly all supporters of the Government. The elections passed off without any disturbance, the opposition taking but little part.

This Congress will meet on the 15th of April to organize and on the 20th for business.

Outside of Tarapacá the revolutionists have no organized force, and as communication with that province is cut off, it is impossible to gauge their actual strength. I do not believe, however, that they can, at the outside, command over 4,000 to 5,000 men, while the government force amounts to 30,000 well equipped soldiers.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 148.]

LEGATION OF THE UNITED STATES,
Santiago, April 1, 1891. (Received May 15.)

SIR: At the request of the minister of foreign relations I telegraphed to-day to solicit a reply to my cable message of 8th ult. My telegram, which was in cipher, was in substance as follows: The Congressional elections, which took place on Sunday last, were all in favor of the Government. It is reported by the Chilean minister at Washington that my telegram of the 8th was favorably received, but your instructions have not reached me yet. The Chilean Government is awaiting your reply.

I have, etc.

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, April 6, 1891.

Mr. Egan telegraphs that the Chilean Government had declared closed the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, and Pisagua, and that vessels were liable to confiscation if they attempted trade with any of these ports.

Mr. Egan to Mr. Blaine.

No. 151.]

LEGATION OF THE UNITED STATES,
Santiago, April 6, 1891. (Received June 3.)

SIR: To-day I had the honor to inform you by telegraph of the decree published by the Chilean Government closing to commerce the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, and Pisagua. I now beg to inclose copy of said decree in Spanish, with translation of same.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 151.—Translation.]

Decree of Government of Chile declaring certain ports closed to commerce.

No. 923.]

MINISTRY OF HACIENDA,
Santaigo, April 1, 1891.

Whereas by article 7 of the law of the 24th of December, 1872, the President of the Republic has the power to order the closing, temporarily, to commerce of one or more ports or harbors when extraordinary circumstances so require;

Whereas by article 83 of the said law all ships which anchor, embark, or disembark any merchandise in any port of the Republic where it is not possible to supervise same, except in case of *force majeure* properly justified, is liable to confiscation, together with her fittings and apparatus;

Whereas in like manner, conformably with number 9 of article 84, all merchandise subject to import or export duties which may have been placed on board any ship, whether by her own embarkation or otherwise, which has not complied with the solemn notice in this ordinance, is liable to confiscation;

Whereas a part of the revolted squadron, in arms against the constitution and laws of the Republic, is appropriating to itself in the nitrate region the treasury and income of the nation with grave detriment to the interest of the State:

It is resolved and decreed—

First. That the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, Pisagua, and all the intermediate bays remain closed to commerce while said ports and bays are in the power of the revolutionists.

Second. That the penalties imposed by the ordinance of customs upon those who trade in said ports do not exonerate the manufacturers and exporters of nitrate and iodine from the responsibility imposed by the decree of the 30th of January, 1891.

Let it be recorded and made known.

BALMACEDA.

J. M. VALDES CARRERA.

Mr. Blaine to Mr. Egan.

No. 90.]

DEPARTMENT OF STATE,
Washington, April 14, 1891.

SIR: I append a copy of your telegram of the 6th instant announcing that the Chilean Government has declared closed the ports of Chañaral, Taltal, Antofagasta, Tocopilla, Iquique, Caleta-Buena, Junin, and Pisagua.

Due publicity of this action of the Government of Chile has been made, but the Government of the United States reserves the right to consider upon the facts and the law any case that may arise involving the declaration which your telegram communicates.

I am, etc.,

JAMES G. BLAINE.

Mr. Egan to Mr. Blaine.

No. 152.]

LEGATION OF THE UNITED STATES,
Santiago, April 14, 1891. (Received June 3.)

SIR: I had the honor to-day to telegraph you in substance that the right of the Chilean Government to impose duties on shipments from any ports occupied by revolutionists or to close ports was not recognized by Germany, and that a fleet was on its way to enforce the views of the German Government.

Both the German and British ministers have made strong protests and taken up a very hostile attitude towards the Government in relation to this question. I have, on the other hand, been careful to avoid any such action, although pressed by some American shipping houses to make similar protest. I have, however, obtained full and friendly assurances that American vessels will not be subjected to any inconveniences.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, April 21, 1891.

Mr. Egan states that entire tranquillity prevails everywhere except in the northern provinces; that the President opened Congress yesterday auspiciously; that England, as well as Germany, refuses to recognize the right of the Chilean Government to close ports; that American vessels are not interfered with; and that the Chilean Government urgently requests that the proposition of the Chilean minister for the purchase of a man-of-war be favorably considered.

Mr. Egan to Mr. Blaine.

No. 153.]

LEGATION OF THE UNITED STATES,
Santiago, April 21, 1891. (Received June 3.)

SIR: The minister of foreign relations having urgently requested me to convey to you the desire of the Government that you would favorably consider the overtures of the Chilean minister at Washington for the purchase of a war ship, either ready for sea or nearly so, I had the honor to address to you to-day a telegram on the subject.

The British minister, under instructions from his Government, has refused to recognize the right of the Government of Chile to close ports or to impose duties upon any shipments of nitrate which may have been cleared by the revolutionists. The Chilean authorities have detained at Coronel one German and one English steamer, loaded with nitrate from Iquique, which put into that port for coal; and the English minister has addressed to the Government a note conveying the menace that he would send a war ship and take out by force the British ship. Steps are in progress for the arrangement of both cases.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 154.]

LEGATION OF THE UNITED STATES,
Santiago, April 23, 1891. (Received June 4.)

SIR: I had the honor to cable you to-day that the German minister received a telegram from his Government announcing the departure of four cruisers and an iron-clad for Chile, and that they are expected early in June.

The fact of this German squadron coming here, under present circumstances in a semi-hostile spirit, as also the attitude of Great Britain, will, when the present troubles have disappeared, be severely judged by all Chileans, and must serve to turn the attention of every Chilean patriot to the importance of cultivating closer relations, commercially as well as politically, with the United States.

This squadron is coming from China.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES.

Santiago, April 24, 1891.

Mr. Egan asks whether he can act with Brazilian minister and French chargé d'affaires in an endeavor to restore peace, the indication being that mediation would be accepted by the Government, and the opposition.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,

Washington, April 25, 1891.

Mr. Blaine informs Mr. Egan that he can act with the Brazilian minister and the French chargé d'affaires as mediator.

Mr. Egan to Mr. Blaine.

No. 157.]

LEGATION OF THE UNITED STATES,
Santiago, April 27, 1891. (Received June 25.)

SIR: From careful inquiries which I have been directing for some time back, through both governmental and revolutionary channels, I have reason to believe that mediation may be acceptable to both sides. The Brazilian Government has already tendered its good offices with a view to the reestablishment of peace, and the French Government has done the same thing. I have accordingly cabled to you on the 24th instant to that effect, asking whether I might act with them.

I am aware, too, that the German and British ministers, together with the admiral of the British squadron, are endeavoring to open up negotiations; but I think I am correct in stating that the Government is not disposed to entertain any propositions unless the United States have a leading part in conducting the negotiations.

To-day I received your cable reply. Already I have had preliminary conferences with the executive council of the revolutionary body, as well as with the Government, and I have reason to believe that the indicated mediation will be accepted by both parties.

I have, etc.,

PATRICK EGAN.

Mr. Blaine to Mr. Egan.

No. 96.]

DEPARTMENT OF STATE,
Washington, April 28, 1891.

SIR: I have read with attention your No. 143, of the 17th ultimo, in regard to the progress of the revolution.

The recent correspondence exchanged by telegraph with your legation relative to the mediation of the representatives of the United States, Brazil, and France toward the restoration of peace indicates a prospect, which it is trusted may be realized, of ending the deplorable state of affairs existing in Chile.

I am, etc.,

JAMES G. BLAINE.

Mr. Egan to Mr. Blaine.

No. 159.]

LEGATION OF THE UNITED STATES,
Santiago, May 2, 1891. (Received June 25.)

SIR: I have the honor to inclose a translation of the address of His Excellency the President of the Republic, delivered at the opening of the national Congress on the 20th of April ultimo, in which will be found a very full statement of the case of the Government in the present unhappy dispute.

I have, etc.,

PATRICK EGAN.

[Inclosure..]

OPENING OF THE NATIONAL CONGRESS, 20TH APRIL, 1891.—SPEECH OF HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC.

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER OF DEPUTIES:

As you are aware, extraordinary occurrences have profoundly affected the public welfare.

The traditions of peace, moderation, and sound sense which distinguished home politics have been broken, and the loyalty of the sailors whose duty it was to maintain order in the interior of the Republic and the external security of the State has also been broken.

On the 7th of January last the squadron lying in Valparaiso Bay abandoned its anchorage, disobeying the commandant-general of marine, Rear-Admiral Williams, and carrying on board the vice-president of the Senate and the president of the

Chamber of Deputies. A few hours after the consummation of this occurrence, without precedent in the naval history of Chile, the squadron returned to Valparaiso in full revolt, in rebellion against its constitutional chiefs, in command of men who on the day previous had not the command of a vessel, and exciting the army and the people to rebel against the constituted authorities.

The army, faithful to the traditions of loyalty and honor which have strengthened the public powers and exalted the nation before the civilized world, has remained at the post of duty.

The people contemplated with surprise the conduct of the navy, which they considered was consecrated principally to maintain the external prestige of the Republic, and, sympathizing with the cause of order and with the Government which has endeavored to instruct them by actively fomenting primary instruction and to enrich them by increasing their salaries by the execution of works superior to those undertaken by all previous administrations, hastened to enroll themselves in the army and refused to assist the revolutionists who requested the people's favors and invoked its name.

After three months of revolution there has been no riot, no tumult, nor a single popular movement in favor of the rising initiated by the navy in possession of the ocean.

The squadron has not been able to penetrate with its hosts into the populated territory of the Republic, where there exist great social interests and true public opinion. In order to operate with efficacy, it has had to blockade northern ports, to bombard and burn unfortified towns, and to employ against the cosmopolitan population of Tarapacá greater rigor and more firing than it cost Chile to wrest that territory from a foreign power.

The northern provinces being cut off from the central by the sea, which is in the power of the revolted squadron, and the most extensive and sterile deserts in the world, the squadron after seven sanguinary battles has been able to take possession of the nitrate region of our territory.

The squadron has not been able to overthrow the constituted Government. It has proved in exchange that it has resources sufficient to disturb the public order, which was the fundamental base of our institutions, and valor sufficient to shed the blood of Chileans and to bring upon society and numberless homes misfortunes and afflictions.

The navy could not deliberate, because the constitution prohibits it from doing so, and it ought ever to obey the President of the Republic, because the constitution orders it to do so; nevertheless it declared itself firstly in favor of the pretended delegation of Congress, to constitute afterwards the military dictatorship which has subjected the supposed delegation of Congress.

This pretended delegation has not existed with any kind of title to proceed in the name of Congress.

Since October last Congress has not been able to meet constitutionally, because it has not been convoked to session, and because, in the orbit of our legal framework, the President of the Republic alone has power to convoke it.

Nor did it meet by its own act and in fact, because since October, when it was closed, until January 7, when the revolution broke out, it held no public nor secret sitting, nor did its presidents invite it to assemble in session, nor did senators and deputies receive the customary citations; because there was no debate, no agreement, no voting; because no act has been executed which unites the conditions without which there can not be a session of Congress, whether it be according to right or simply by force.

It is said that there is an act signed by some revolutionists who were members of Congress; but a large portion of the members of this very corporation are not acquainted with it, nor have they seen it, and up to this moment it is also unknown to all Chileans, because, as the said act is the fruit of a hidden resolution, the authors of it have not had the courage to publish it and exhibit it as a document which might be judged by the upright criterion of Chilean patriotism.

The truth of the matter is that a considerable portion of the members of both chambers revolted on January 7 against the constitution and the laws, and that it can not invoke the authority due to the representatives of the people, because by revolutionizing the country and converting itself *de facto* into an executive power, dictatorial and in arms, it has produced a revolution which demolishes its own existence and the peace, wealth, and welfare of Chile.

The revolution has not been engendered by the people, but by political circles with a seat in Congress, animated by different ideas, with numerous and distinct leaders, and with no closer relation to each other than the sole ambition to the direction and supreme command of the State.

We are suffering from an antidemocratic revolution, initiated by a centralized and small social class, which believes it is called by its personal relations and wealth to be the chosen and directing group in the Government of Chile. Hence arises the want

of uniformity of ideas and sentiments with the people; and above all in the provinces and departments away from the capital of the Republic, in which every Chilean has a clearer notion of political equality, of civil duties, and of virtues which elevate citizens by their intelligence and services.

In order to appreciate with exactitude the painful contest in which we are involved, it is necessary to characterize it according to its true antecedents.

II.

The conflict has been engendered by the ambition of leaders and of circles, by the incessant splitting up of the Liberal party, by cumulative voting—the generator of parties represented by simple political individualities, and by the excessive number of senators and deputies in 3,000,000 of inhabitants.

The Liberal party has lacked unity of ideas, of direction, and of procedure, which *per se* could render it apt for the governing of Chile. For this reason it has always required auxiliary forces, either of the Conservatives or of other nearly allied political groups, notwithstanding the different disposition and the direction of the leaders, who have represented, by their traditions and spirit of absorption, essentially personal tendencies.

The excessive number of senators and of deputies and the cumulative vote have fomented the disintegration of the Liberal party, disorganized traditional and historical parties, and produced deplorable anarchy in Congress.

Under the shadow of the political uncertainty created by the diversity and inconsistency of personal circles, ambitions sterilizing to parliamentary labor and fatally calculated to produce general disorder have been developed.

The Errázuriz administration, so energetic and vigorous during nearly the whole of its term, found itself, toward its conclusion, through the action of the cumulative system of voting, with a Congress in which there militated six different groups and individualities without any fixed political affiliation.

The Pinto administration suffered the consequences of that dislocation of men and parties.

The parliamentary oscillations and ministerial changes were frequent, so that, if the war of 1879 had not occurred, that administration would have terminated in the midst of the disasters which were being prepared for it by events.

Presidential elections have cut up the Liberal party and have carried the Republic to situations of extreme danger.

At the conclusion of President Pinto's term, notwithstanding that the country was at war, the cutting up and the anarchy of the Liberals with respect to the choice of a candidate for the Presidency of the Republic would have created revolt, if Gen. Baquedano had not eliminated his person from the electoral contest.

Five years later, and at the expiration of the Santa María administration, there occurred in Congress, owing to the designation of the Liberal candidate, events of a singularly grave character.

Sundry Liberal circles allied with the Conservatives obstructed the budget in January, 1886, and only by an act of courage on the part of the parliamentary majority was the constitutional régime saved, the obstruction being overcome by breaking through the meshes of the rules of that branch of the legislature.

Elected President of Chile, it became my duty as an act of foresight as the chief magistrate of state to trace a policy and a line of conduct that would avert at the conclusion of my term of office the dangers that threatened previous administrations.

Exclusive government with the fractions of the Liberal party that had elevated me to power might have carried me involuntarily to a régime of personal government, and it would certainly have brought about a Liberal-Conservative coalition in the opposition. I, therefore, adopted a policy of patriotic reconciliation, in which, upon the basis of the party which elected me, all the Liberals might have a place. I also hoped that my respect for the members and the autonomy of the Conservative party would render possible a government of peace, of labor, and of real national aggrandizement.

The organization of the Lillo ministry was the outcome of this desire; but two months had barely passed when a boisterous disagreement occurred among the Liberals in the Chamber of Deputies, and the party that elected me was reduced to a minority, a good number of its members proceeding to act in accord with the Liberal-Conservative coalition.

The Lillo ministry disappeared, and the Antúñez ministry was organized. This ministry purposed uniting the Liberal party by the profession of the same ideas and by the same procedure.

There and then the Nationals declared from the cabinet itself to the country at large that their party had ceased to exist in order that its members might become

incorporated, as mere individuals, in the Liberal party. With the object of rendering this policy more practical and of inspiring all Liberals with the same degree of confidence, the Antúñez ministry ceded the reins of government to the cabinet organized by Mr. Zañartu, in which all the Liberals were represented.

Shortly afterwards a considerable portion of the Liberals who were represented in the ministry by the late lamented Messrs. Miguel Luis Amunátegui and Manuel García de la Huerta mutinied in the Chamber of Deputies against their own leaders, and they agreed to a vote of censure moved by the Conservative party against the Zañartu ministry.

All the Liberals were hardly reunited when they commenced anew to split and break up.

After the elections of 1888 the segregation of the Liberals, who had remained united in order to secure electoral peace, took place in a most unusual manner. The Nationals again raised a party banner, after having secured in Congress a representation they had not had since they left power in 1861. Owing to this circumstance the dispersed Liberals, the Radicals, and the Government Liberal party returned to their former shape and to their inevitable pretensions.

The ministry designed for the unification of the Liberal party disappeared before the Congress elected under its direction met.

Experience and my natural adhesion to the party which elected me counseled me to return to the political center with which I initiated my administration, with the object of organizing out of it a ministry of Liberals in which the Nationals might be represented in such a manner as not to awaken the mistrust and the resistance of its numerous adversaries. The Nationals refused to form part of the ministry, although their coöperation might be considered as imposed upon them by the most obvious political signification.

Since that date all my efforts for the unification of the Liberal party have been fruitless.

From June, 1888, till October, 1889, the different fractions of the Liberal party and the personal circles of Congress have been in a state of permanent quarrel, attacking and breaking up each other in a most irreconcilable manner. They who were divided by ambition were at length united by ambition in order definitely to secure to themselves a majority in Congress and with it absolute predominance in Government councils.

Being desirous of amending a state of affairs so opposed to public tranquillity, a ministry, with the consent of all the Liberals in Congress, was organized in October, 1889. In fifteen days there was another crisis. The cabinet having been reconstructed, serious disagreements occurred among parliamentary circles with respect to the bases of a convention to nominate a candidate for the Presidency and of votes in the Chamber of Deputies which brought about the rupture of the coalition ministry. From that date there arose between the congressional majority and the executive power a struggle having for its object the subordination of the liberty and action of the President of the Republic to the will and designs of a coalition composed of divided political groups, with opposing leaders and tendencies, but all united to lower the dignity and authority of the chief of the nation.

The motive assigned for these strange demands was a pretended official candidature for the Presidency.

The distinguished citizen to whom the favors of the Government were gratuitously imputed renounced in May last all support from his fellow-citizens to exalt him to the supreme magistracy, and he organized a ministry, presided over by himself, in order to give practical testimony of the public compromise he had contracted.

That ministry was censured before being heard in Congress, all the considerations of honor and respect which up to that moment had been observed toward the representatives of the executive power in Parliament being thus violated.

This attitude, without precedent in the history of the world, was followed by the postponement of the discussion of the law which authorizes the recovery of taxes for as long as the President did not sacrifice his constitutional prerogatives or did not consent to appoint ministers selected by and in the confidence of Congress.

This conflict was terminated by the resignation of the May ministry and the organization of another composed of persons foreign to the political contest.

This patriotic solution was on the point of being frustrated by the incredible demand that I should give my assent to the loss of the revenue during the forty-three days that the budget was postponed. But administrative honesty and the public revenue were saved, and the Prats ministry was organized, and the electoral law prepared by the allied groups was promulgated. In the said law they adopted every measure calculated to protect their interests from any possible intervention from the agents of the Executive.

The law having been promulgated, the inscription of the electors was made in perfect order.

At this moment the contest broke out anew.

The allied circles learned in a practical manner that they did not possess the majority of the taxpayers to constitute the electoral power, nor that of the electors.

This revelation of the superiority of the strength of the Government Liberal party, notwithstanding the bill which the coalition had passed for their benefit, disconcerted the allies and shook the ministry of the day.

It was difficult to observe in practice a neutral policy, in consequence of inevitable party demands, and rather than commence a struggle the ministry resigned.

Following their advice, and inspiring myself in the lofty duties that the situation imposed on my love of Chile and public peace, I requested the distinguished citizens Messrs. Enrique S. Sanfuentes, Anibal Zañartu, and José Tocornal to approach all the political parties and groups and request their coöperation to resolve in a definite manner the political question which was agitating men's minds. I asked them, in consequence, that the question of the candidature of the Presidency of the Republic should be decided by a sole convention, in the manner and form to be agreed upon by political parties, but recommending on my part the convenience of stipulating for the election of a candidate such a considerable majority of votes as would place the President of the Republic in such a position as to render it impossible for him to interfere directly or indirectly in the resolutions of the convention.

As a consequence of the sole convention, a ministry which would be a pledge of confidence for all parties would be appointed.

The idea of a sole convention, was accepted for a moment and was rejected immediately afterwards. The majority of the parliamentary groups demanded that I should previously organize a ministry.

I proposed in the act a ministry in which there figured three persons of recognized authority in the coalition of the parliamentary majority, and three others of the Government Liberal party, whose characters and antecedents entitled them to the respect of all.

This basis for a ministerial organization was also rejected.

These occurrences appear incredible, nevertheless they are true and are publicly known to all Chileans.

The coalition of the parliamentary majority desired to precipitate me from the position to which I was called by the vote of my fellow-citizens, or that I should submit myself unconditionally to its designs. After rejecting every reasonable proposal, the coalition resolved to open on the following day a new and violent parliamentary campaign.

I closed Congress, hoping that a little reflection and calm might produce in the groups forming the coalition arrangements reciprocally respectful and equitable; but the overflow had occurred, and we had to support its deplorable consequences.

The Comisión Conservadora (parliamentary consultative committee*) convoked itself to a session to which access was given to all the members of Congress, in order that they might contribute to keep up discussions which form the saddest page in the parliamentary history of Chile.

I will not elevate to the dignity of the post I hold, nor to the dignity belonging to these precincts, the designs and the aberrations disclosed at the sittings of that corporation. I prefer to cover them with the silence and the oblivion which in the journey of life sustains us in order that we may not despair of man's patriotism and virtue.

III.

On the 1st and even on the 7th of January I found myself in the same condition in which many of my predecessors had found themselves, and in which I was myself in 1887—without the estimates and the bill providing for the land and sea forces having been passed.

This circumstance should not serve as a foundation for a revolution, because it had occurred periodically in former years. The revolt initiated on January 7 was the result of the resolution adopted beforehand by the majority of the parliamentary groups, which aimed at unconditional and absolute predominance in the management of the Government.

Deriving from the constitution the duty of governing the State and of extending my authority to everything having for its object the internal security of the nation, I had to assume the necessary powers to restrain the armed revolt and the attitude of the majority of Congress, which labored to overthrow our institutions, and established order.

I have collected together the necessary elements for the defense and triumph of the principle of authority in Chile, without which nothing solid or lasting can be undertaken in the future.

* A consultative joint committee of both houses which represents Congress during a recess.

Circumstances have placed us in the painful position of having to arrest the leaders and agitators of the revolt or to send them away from the scene of actual occurrences.

The sitting of courts of justice when revolution is ripe and where the constituted government is not recognized, being calculated to create conflicts, because the former exercises a military dictatorship and of fact and the latter has to practice discretionary and extraordinary proceedings, the superior courts have been closed until the actual state of affairs which causes so much injury to the Republic shall cease.

Finally, the revolution being encouraged and sustained by the parliamentary majority, this has been dissolved by its own doing and *de facto*, and therefore it was indispensably necessary to convoke the people for the election of a constitutional Congress.

The elections have taken place in perfect peace and order, and with a large attendance of electors of different opinions in twenty out of the twenty-two provinces of the Republic.

Thirty of the thirty-two members constituting the Senate have been elected, and eighty-eight out of the ninety-two deputies to be elected under the last electoral law.

IV.

I desire now to state the ends to which, in my opinion, the constituent Congress should devote itself.

If the full and complete constitutional reform which I proposed to Congress last year had been realized, we should have laid the foundations of representative government, created provincial autonomy, and established upon an immovable base the liberty and independence of the powers of state; we should have opened out more extended horizons to the intelligent and well-ordered efforts of political parties; and we should most certainly have averted revolution.

The constituent Congress having been called together in consequence of well-defined causes, a moderate reform designed to remove the causes which originated the conflict will be preferable perhaps to any other.

V.

The license of the press has reached in our day to a pitch to which it has never arrived in any country of the world. Not only the Government and public men, but society and families have been attacked in the whirlwind of political passion. In 1886 the opposition of that date proposed a reform designed to prevent such a pernicious abuse. Since then the license of the press has descended in the scale of scandal, and has come to be one of the causes of the trouble which afflicts peaceful and honest Chileans.

I am of opinion that the principle by virtue of which all have the liberty of publishing their opinions in the press without previous censorship should be maintained. But at the same time there ought to be no other offenses of the press than those which are laid down in the penal code, nor other justice than the ordinary to punish them in the form prescribed by the common laws.

In this manner there would be obtained true liberty of the press, and the responsibility of those who abuse this liberty by offending without reason or truth the rights and dignity of others or public morals could be made effective.

As the laws relating to the budget, the quartering of troops in the place where Congress sits, the strength of the land and sea forces, of public order and those necessary for the existence of the executive power are constitutional laws, consequently it ought not to be left to the option of one of the powers of state to dictate them or not, or, in other words, to absorb the other powers and thus constitute a *de facto* dictatorship.

Taxes ought to be permanent, and their abolition or modification ought to be effected by law in the ordinary manner and only with relation to the equality of the impost and national convenience.

The law to permit troops to reside within 10 leagues of the place of meeting of Congress is, at this day when railways connected with the capital diminish distances, unnecessary. And the law providing for the strength of the land and sea forces is without object, inasmuch as in the yearly estimates the sum destined for the service of the army and navy is stated.

The only annual law on these matters ought to be the estimates, which should consist of the fixed expenditure, that provided for by special laws, and variable expenditure. The first would serve to fix the total amount of the estimates and would not be debated. The variable expenditure only would be subject to debate.

The estimates would be debated and passed by Congress during the term of the regular session, and when this from any circumstance whatever should not happen the estimates of the previous year would be adopted and considered as passed.

This form of presenting and debating the estimates is adopted in the most advanced countries, and even in some of those in which the strictest parliamentary régime obtains.

It ought not to be accepted in any case that Congress or a majority of its members may decline to discuss and approve fixed expenditure of a permanent character and of that emanating from laws previously passed by Congress. The power to suppress or not pass this expenditure would presuppose public disorganization and disorder. The same thing does not happen with variable expenditure, upon which the fullest liberty of discussion and criterion is permissible. The discussion or the refusal to grant this class of expenditure may be a prudent and indirect means of influence in the councils of government, but never a perturbing element of public peace or the disturber of established order.

Parliamentary criticism, the refusal to authorize variable expenditure, the impeachment of ministers when they infringe the constitution or the laws, are the means with which in a representative system, of liberty and of independence of the public powers, the legislative power may influence, moderate, or remove ministers from the direction of public business.

When a reform of this kind is carried into effect in Chile, the peace of the powers of state will have been established and consolidated forever. It will also be the only manner in which Chilean governments will cease to take an interest in electoral contests.

It is a profound error to believe that a change of men in the Government alters the traditions and the political manner of being of parties in Chile. The most determined advocates of the nonintervention of government in elections, are only so until they are in power. I make this affirmation founded upon the conviction acquired during a lengthened experience and an intimate acquaintance with men and parties in this country.

Neither the most wisely conceived electoral law, nor the most upright intentions, nor communal autonomy, will change the system or the nature of things. Communal autonomy in the hands of the Government or the parish priest would be the most powerful instrument of electoral intervention that could be devised to frustrate liberty of suffrage.

Governments will cease to interfere in elections in Chile, in the manner and form which they wish who sincerely desire the government of the people for the people, when the existence of the executive power depends solely upon the constitution and the laws and does not fluctuate in favor of the passions or the currents of interest of unstable and fleeting majorities of Congress without organized parties, without cohesion, and without discipline.

So long as the executive power needs for its existence the annual favor of Congress, and so long as political leaders and personal groups can, by combinations of the moment, organize majorities to overthrow or raise ministries, it will be a chimera to expect the absolute nonintervention of the executive power in the formation of Congresses upon which it depends indirectly for its own existence.

When the President of the Republic and the ministers of state shall not depend upon Congress in all which constitutes the stability of the executive power, and they shall be able to govern without any other limit than that prescribed by the constitution and laws, and they shall be able to live and serve the Republic with no other interest than that of the common prosperity, then the hour of wished-for electoral liberty will have arrived.

Neither presidents nor ministers will be found who will care to expose themselves to the hazards of a struggle, and who will voluntarily compromise themselves in a contest which can not affect the life or the normal existence of the executive power.

This, in my opinion, is the manner to remove the causes which have originated the conflict we to-day deplore.

Do not forget it, Messieurs Senators and Deputies; let not my fellow-citizens forget it, whatsoever may be the destiny reserved for us in the future. This is the only manner to reestablish cordiality between Congress and the Executive, equilibrium between public powers, and the liberty and responsibility of the functionaries who hold and discharge the duties of those positions.

If the reform should not be realized in the manner I have the honor to indicate to you, your labor will not be lasting and time will very soon obliterate the marks of your passage through the precincts of the hall of law.

The actual contest must terminate some day, and it is necessary, after the sufferings it has imposed upon our convictions or our duties, that the peace of the public powers may be assured in a regular and definite form.

The abolition of the council of state is another reform which is advocated and supported by all political parties.

This institution does not correspond with a representative system, and therefore it ought to be eliminated, in conformity with the system proposed for your adoption.

Sundry questions of jurisdiction or competency between the President of the Re-

public and his agents and the judicial power, or between the legislature, the Executive, and the judiciary, with respect to the constitutionality of the laws, have created very serious conflicts, and finally there is the question arising out of the convocation of this constituent Congress.

It would be advisable to create a special tribunal, composed of three persons appointed by the President of the Republic, three by Congress, and three by the supreme court, to decide without recourse conflicts between the powers in the cases and in the form prescribed in the constitution.

It is neither natural nor just that in conflicts between public powers any one of these should be the one to decide the dispute, because in this manner there is created a supremacy of authority to the detriment of the others, nor will it ever be proper that one only of the public powers be judge and party to the suit.

The organization of the judicial power requires, perhaps, your most serious consideration and study.

But taking into consideration the exceptional circumstances by which we are surrounded, I simply point out those reforms without which the conflict of to-day will inevitably be repeated periodically.

These are the cardinal reforms which I consider are rendered necessary by the force of circumstances.

If in the present conflict we should confine our efforts to the vanquishment of the adversaries of the constituted authorities, our labor would be insignificant and unworthy of statesmen. Our duty is to restore public order and to give, by permanent constitutional prescriptions, rational and legal solution to past conflicts and the avoidance of others in the future.

Fellow-citizens of the Senate and of the Chamber of Deputies, I have no desire to enumerate the labors of the administration over which I have had the honor to preside. My fellow-citizens can bear testimony to them.

There is not a single department of our territory which has not received its share of benefit in the distribution of the activity and wealth of the State. I have procured a tranquil and equitable solution to the grave and numerous questions which affected our foreign relations, and I have maintained with his holiness and the representatives of the church in Chile a policy of cordiality and of the most absolute respect.

Since the day I entered upon the duties of my office I have devoted every moment of my life to the progress and enrichment of my fellow-citizens, and to the aggrandizement of the Republic. My acknowledgments are due to all those who in the administration of the Government have assisted me in my vast and active labors. I owe them especially to all those who in hours of danger and of trial have given me their friendship, the remembrance of which I shall preserve as a generous recompense for the deceptions I have suffered in governing the nation.

I have still to say to the army and to the navy who have remained faithful to their constitutional chiefs, that I have always found them in the path of honor, and that with their loyalty and abnegation they will save the actual Government, and they will be the secure shield of future administrations. They who maintained intact subordination and military discipline will always be deserving of confidence.

Many good men, under the command of the valiant Col. Robles and of his comrades Villagran, Mendez, and Ruminot, have fallen nobly on the field of battle. Their blood will bear fruit, because oftentimes national institutions are only sustained and consolidated by the sacrifice of their defenders.

Like ourselves, future generations will point to them as generous victims and as examples which the soldier ought to follow in the fulfillment of his military duties.

About to descend from power, I shall return to private life, as I entered upon the Presidency, without hatred or ill-will, which is foreign to the rectitude of my character and unworthy of the chief of a state.

It is true that few rulers have had to suffer like myself such unmerited and gratuitous inculpations. Nevertheless, I have never on this account lost my serenity or the perfect tranquillity of my conscience. I am accustomed to confront the injustice of men.

After the fury of the storm will come the calm, and, as nothing durable can be founded by injustice and violence, the actors in the tremendous drama which is taking place in the territory of the Republic will receive, according to their deserts, their share of honor, reprobation, or responsibility.

I rely tranquilly on the help of God, who presides over the destinies of nations, and who penetrates our inmost thoughts. May He be pleased to enlighten the patriotism of all Chileans, and to guide your sagacity and wisdom by the way which may lead to the paths of order and to a final solution of the misfortunes and of the conflict which to-day divides the Chilean family.

Santiago, April 20, 1891.

J. M. BALMACEDA.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, May 4, 1891.

Mr. Egan informs Mr. Blaine that the good offices of the United States, Brazil, and France have been most cordially accepted by the Government of Chile and the revolutionists, those of England and Germany having been declined.

Mr. Egan to Mr. Blaine.

No. 160.]

LEGATION OF THE UNITED STATES,
Santiago, May 4, 1891. (Received June 25.)

SIR: To-day I had the honor to cable you in substance that the good offices of the United States, Brazil, and France have been most cordially accepted by the Government of Chile and the revolutionists, those of England and Germany having been declined.

Although the ministers of England and Germany had been for some time carrying on communications with the chiefs of the revolutionary fleet and land forces in the north through the medium of the admiral of the British squadron, they had not tendered their good offices to the Government until Thursday, the 30th ultimo, when they were informed that the Government had already made the arrangement above indicated, and could not therefore avail of their offer.

The British flagship brought, a few days ago, from the leaders of the revolution in the north, documents fully empowering a number of gentlemen here to represent them, and this committee of seven persons, five of whom are protected by a safe-conduct from the Government, is now holding conferences in this legation for the purpose of formulating bases upon which the opposition would be willing to enter into an arrangement.

I have, etc.,

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

No. 98.]

DEPARTMENT OF STATE,
Washington, May 6, 1891.

SIR: Inclosed herewith is a copy of a letter of the 1st instant from Mr. James A. Scrymser, president of the Central and South American Telegraph Company, in which the desire is expressed that such special privileges as may be permissible may be granted in the ports of Chile to that company's steamer *Relay*, which is used for the purpose of repairing cables.

The company in behalf of which Mr. Scrymser writes, maintains and operates a line of submarine cables from Galveston, Tex., to Coatzacoalcos, on the Gulf of Mexico, thence across the isthmus of Tehuantepec, southward along the Pacific coast to Valparaiso, Chile. The extreme

urgency required in making repairs renders it necessary that the steamer engaged in that service should, so far as possible, be exempt from entry and clearance, the certification of papers, and other formalities which in the case of such a vessel are productive of inconvenience and delay and are not likely to serve any useful purpose. For this reason it is believed to be the rule to treat cable repair ships in an exceptional manner.

You are instructed to bring the subject to the attention of the Government of Chile, and to ask that it may receive all proper consideration and attention.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

NOTE.—A similar instruction was sent to the legations of the United States in Colombia, Ecuador, Mexico, Nicaragua, Peru, and Salvador.

[Inclosure in No. 98.]

Mr. Strymser to Mr. Blaine.

CENTRAL AND SOUTH AMERICAN TELEGRAPH CO.,
37 AND 39 WALL STREET,
New York, May 1, 1891. (Received May 2.)

DEAR SIR: I have the honor to inform you that this company maintains and operates a line of submarine cables from Galveston, Texas, to Coazacoalcos in the Gulf of Mexico, thence across the Isthmus of Tehuantepec, southward along the Pacific coast to Valparaiso, Chile, and for that purpose employs on the Pacific coast its repair steamer, *Relay*. This steamer is stationed at Callao, Peru, and is at all times manned and equipped for immediate use.

In Europe and the East, cable repair ships are treated everywhere in an exceptional manner. In fact they have all the privileges of war vessels, and are exempted from the formalities observed at Central and South American custom-houses in the matter of clearances, ship's papers, etc. The extreme urgency of the operations of cable ships is my excuse for asking that you will at your earliest convenience request the Governments of Mexico, Salvador, Nicaragua, United States of Colombia, Ecuador, Peru, and Chili, to extend to this company's steamer *Relay* special privileges to the end that there shall be no delay whatever in observing the formalities in clearing and entering the ports of the countries named. I ask this because in many cases our cables are landed on the coast a few miles beyond the port in order to avoid the anchorage ground. It frequently happens that, in repairing a cable, tests have to be made at the landing places, and under existing custom-house regulations tedious formalities have to be observed before our engineer can land and make tests, which could be quickly accomplished were it not for the inconvenient rules of these foreign ports.

Telegraphic communication being so essential to the commercial life of nations, any delay in its establishment caused by custom-house rules is sensibly felt, and frequently prolong interruptions through the repair steamer not being able to take advantage of a few hours of fine weather, causing much loss to the public and comparatively little gain to the customs department. As a rule custom-houses in these foreign ports close at hours which occasion much inconvenience and delay in the repair of cables. This I am hopeful can be avoided if the honorable Secretary of State will ask the governments named to issue special orders to their customs authorities exempting this company's steamer *Relay* from the existing rules of the ports so that she shall at all times be free to enter and depart.

I also ask that the governments interested be requested to issue a special license to the steamer *Relay* according to her such special privileges.

I have the honor to remain, yours, very respectfully,

JAMES A. SCRYMSER,
President.

Mr. Wharton to Mr. Egan.

No. 99.]

DEPARTMENT OF STATE,

Washington, May 7, 1891.

SIR: I append on the overleaf a copy of your telegram of the 4th instant, conveying the gratifying intelligence that the Chilean Government and the revolutionists have cordially accepted the mediation of the United States, Brazil, and France in the interest of peace.

Permit me to express the hope that the strife which has been going on in Chile may, through the combined efforts of the Governments in question, be speedily and happily terminated.

I am, sir, etc.

WILLIAM F. WHARTON,
Acting Secretary.

Mr. McCreery to Mr. Blaine.

[Telegram.]

CONSULATE OF THE UNITED STATES,

Valparaiso, May 8, 1891.

The president, managing-director, and one other director of the South American Steamship Company declare before me that the steamer *Itata* is the property of said company and that she was taken by force and is now in the service of the revolutionary party without the consent of the company.

W. B. MCCREERY,
United States Consul.

Mr. Egan to Mr. Blaine.

No. 161.]

LEGATION OF THE UNITED STATES,

Santiago, May 8, 1891. (Received June 25.)

SIR: At the request of the Chilean Government I had the honor to forward to you to-day, in cipher, a telegram which stated in substance that the negotiations for peace had failed and reported the presence in a southern port of California of a Chilean steamer, recognized to be a transport belonging to the revolutionary squadron, and which had munitions of war on board.

The above refers to the revolutionary transport *Itata*, now at San Diego, Cal., with arms and munitions of war for the revolutionists.

In a few days I will report fully upon the subject of the peace negotiations.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 162.]

LEGATION OF THE UNITED STATES,

Santiago, May 13, 1891. (Received June 25.)

SIR: Late last evening I had the honor to receive your telegram, the substance of which is as follows:

Have Admirals McCann and Brown received the dispatches sent them in cipher on the 9th instant by the Navy Department?

At the earliest possible moment I communicated the inquiry to Valparaiso, but Admiral McCann had sailed this morning to Iquique, on board the *Baltimore*, without having been able to reply to me, and Admiral Brown had not yet arrived. I am therefore not in a position to telegraph definite reply.

I have, etc.

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 14, 1891.

Mr. Wharton instructs Mr. Egan that if insurgent envoys come within the jurisdiction of President Balmaceda, relying on offer of mediation or on invitation of the mediators, he will insist that under any circumstances they should have ordinary treatment of flag of truce. He is informed that it is reported in Washington that Balmaceda threatens to shoot such envoys if found within his jurisdiction.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, May 16, 1891.

Mr. Egan states that the report that the insurgent envoys would be shot grew out of a vague threat of the minister of the interior, made under excitement after a bombshell had been thrown at members of the Chilean cabinet; that the minister for foreign affairs has written most ample explanation and apology, and President and cabinet have disavowed any intention of molesting envoys; and that, although before the negotiations the envoys were concealed in Santiago, the Chilean Government has afforded them every facility to leave the country.

Mr. Egan to Mr. Blaine.

No. 164.]

LEGATION OF THE UNITED STATES,
Santiago, May 18, 1891. (Received July 7.)

SIR: I have the honor to refer to my numbers 157, of April 27, and 160, of the 4th instant, in reference to the offer and acceptance of the good offices of the United States, Brazil, and France for the restoration of the internal peace of Chile, and now beg to report as follows:

On receiving your authority, on April 27, to act as mediator with the Brazilian minister and French chargé d'affaires I at once placed myself in accord with those gentlemen, and, as stated in my No. 160, our offer of good offices was very cordially accepted by the Government on the

one side and by the committee of the opposition or revolutionary party on the other.

In connection with an effort made by the ministers of Great Britain and Germany to open negotiations the admiral of the British squadron conveyed from the leaders of the naval and military forces in the north plenary powers to a committee of eight gentlemen in Santiago to act in behalf of the opposition. Of the gentlemen thus named one, Mr. Alejandro Vial, had already sailed for Europe. My colleagues and I secured from the government a safe-conduct for five others, Messieurs Melchor Concha i Toro, Eulojio Altamirano, Carlos Walker Martinez, Gregorio Donoso, and Pedro Montt; Mr. Belasario Prats did not need a safe-conduct, and Mr. Eduardo Matte acted without one. I inclose a copy of the acceptance of good offices by the Government and concession of safe-conduct, dated May 2 (inclosure No. 1).

The seven gentlemen composing the committee of the opposition met in conference in this legation on Sunday the 3d instant, and by formal document, a copy of which I inclose (inclosure 2), accepted the tendered good offices of the United States, Brazil, and France.

After a number of conferences, from the 3d to the 5th instant, all of which were held in this legation, the committee agreed upon and submitted to us the bases upon which they would be willing to consent to an arrangement; but they imposed the condition that we were not to communicate those bases to the Government until we had first received from the Government, in writing, a statement of its conditions. I inclose a copy of those bases, dated May 5 (inclosure 3).

Early in the day of the 6th the minister of Brazil, the chargé d'affaires of France, and I went to the Moneda and found that the minister of foreign relations, Mr. Ricardo Cruzat, was sick and not able to come to his office. In his absence we were requested by His Excellency the President to confer with the minister of interior, Mr. Domingo Godoy. Accordingly, we had a conference with that gentleman, in the course of which we were informed that the Government, while prepared to listen to and consider in the most benevolent manner any propositions that might come from the opposition through us, should absolutely decline to submit any conditions before having before it the opposition bases. In order to consult with the members of the opposition committee, with a view to finding a way out of this difficulty, we adjourned the interview to 5 o'clock same evening. On my colleagues and I returning at that hour to the Moneda we found that just a few minutes before, while Mr. Godoy, four others of the ministers, the president of the Senate, and other gentlemen were returning to the Moneda from a meeting of the Senate, two dynamite bombs had been thrown at them by two young men on horseback, and that one of the bombs had exploded with terrific force a short distance from the ministers, but fortunately without doing any damage.

On entering the Moneda and meeting Mr. Godoy, we felicitated him upon his fortunate escape and that of his colleagues, and at his invitation we continued the negotiations of the morning. In consequence of what had just taken place, Mr. Godoy was considerably exasperated against the opposition, and, because we were not prepared to come directly to the point with regard to the presentation of the opposition bases before receiving the conditions of the Government, he declared the negotiations broken off, and, becoming excited, he added that from that very moment the safe-conduct should be considered canceled, and that we might not be surprised if some of the parties were shot in the public square before morning, as he considered them re-

sponsible for the attempt that had been made against his life. We reminded him that the safe-conduct was a solemn compact between his Government and those which we represented; that one of its conditions was that we, the mediators, should fix the time when it should cease to be in force; and we urged him to consider well the nature of the responsibility which he was assuming, the more especially as the gentlemen named in the safe-conduct were entirely above suspicion of even the most remote knowledge of the foul attempt at assassination which had just occurred. As he continued obdurate, we requested to be allowed to confer with the President; but Mr. Godoy refused, saying at the same time that he spoke with full authority for the President and all of the ministers.

We all three protested in clear and forcible terms, and left. We then took immediate steps to place the delegates of the opposition in safety, and within an hour we had conducted all of them within the legations.

At 7 o'clock the same evening the intendente or governor of the city called upon my colleagues and upon me, and informed us in the name of the Government that the delegates would be safe from arrest or surveillance until 10 o'clock the next morning; to which I answered that nothing would satisfy me short of full and complete compliance with the terms of the safe-conduct. My colleagues returned similar replies.

On the 7th instant the minister of Brazil, the French chargé d'affaires, and I were about to send identical telegrams to our respective Governments setting forth the facts, and also to address identical letters of protest to the Government, when by medium of Mr. Juan E. McKenna, ex-minister of foreign relations, and also by another gentleman, we received from the President verbal messages to say that Mr. Godoy had spoken under excitement consequent upon the attempt of which he had been the victim; that in what he had said regarding the safe-conduct he had not expressed the sentiments of the President or the ministry, and that the safe-conduct should continue in full force until we should fix the time of its termination.

On the 8th instant the minister of foreign relations, in the name of the President, addressed to us a note on the same subject, of which I inclose a copy (inclosure 4). I also inclose copy of my reply thereto, dated May 12 (inclosure 5).

Finding it impossible, under the circumstances, to make further progress with the negotiations for peace, we abandoned the attempt for the present, and have addressed a joint note to the delegates of the opposition, of which I inclose copy, dated May 10 (inclosure 6).

I also inclose a copy of a joint memorandum, dated May 12, addressed to the minister for foreign relations, fixing the termination of the safe-conduct (inclosure 7).

Of the seven gentlemen who composed the committee of delegates of the opposition, six had, previous to the issue of the safe-conduct, been concealed in Santiago and one, Mr. Prats, had been living here openly. The Government having accorded to the five who were named in the safe-conduct and to Mr. Prats permission to leave the country, I communicated with Rear-Admiral McCann, who offered to take them on board the *Baltimore* to Callao; but, before arrangements could be made for leaving, the *Baltimore* received orders from the Navy Department to sail on other duty. The generous offer of the admiral is, however, very highly appreciated here. Subsequently only two of the number, Mr. Pedro Montt and Mr. Euliojio Altamirano, elected to avail of the permission to leave, and those gentlemen were escorted to Valparaiso by

myself and colleagues and were placed by us in safety on board the French corvette *Volta* on the 15th instant.

Apart from the momentary loss of temper on the part of Mr. Godoy, which, under the circumstances, was not without some excuse, the action of the Government, and especially that of the President, in regard to all matters connected with this negotiation, and also towards the delegates of the opposition, has been excellent.

I may add that the spirit displayed by the delegates of the opposition throughout our intercourse has been most excellent, and that both sides feel, as will be seen by the inclosed correspondence, deeply grateful to the United States, Brazil, and France for the efforts that have been made to reëstablish internal peace in their country.

I shall carefully watch for and take advantage of any opportunity that may offer to promote the restoration of peace, and I trust you will find that under the circumstances detailed in this letter I have done all that was possible in that direction, as also for the due maintenance of the honor and dignity of my own Government.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 164.—Translation.]

Safe-conduct for the delegates of the opposition.

The honorable ministers of the United States, of Brazil, and of France, duly authorized by their respective Governments and acting conjointly, have conveyed to the Government of Chile their desire to exercise their good offices between the Government and the parties of the opposition for the reëstablishment of the public peace.

The Government having accepted for its part those good offices, the said honorable ministers have solicited adequate guaranties for the persons of the parties of the opposition with whom they must communicate.

Consequently, the minister of foreign relations, in the name of the Government, concedes personal guaranty to the extent that the following gentlemen can not be arrested, imprisoned, nor molested in any manner whatsoever, viz, Mr. Melchior Concha i Toro, Mr. Carlos Walker Martinez, Mr. Euliojio Altamirano, and Mr. Pedro Montt, with the object that they may be able to hold the necessary conferences with the diplomatic ministers above named.

In case the said conferences do not produce favorable results, the present guaranty will continue for such time as the said honorable diplomatic ministers may designate.

This guaranty will be used by the persons to whom it is conceded with the prudence necessary in order to preserve the due secrecy of the conferences and in order not to call public attention to themselves.

This document will remain deposited with the honorable minister representing the United States.

Done in Santiago the 2d of May, 1891.

RICARDO CRUZAT.

This guaranty is extended to Mr. Gregorio Donoso upon the same terms as those above mentioned.

Santiago, May 2, 1891.

RICARDO CRUZAT.

[Inclosure 2 in No. 164.—Translation.]

Acceptance of good offices by the delegates of the opposition.

The undersigned, meeting in the legation of the United States of America, in Santiago, the 3d of May, 1891, in virtue of having accepted the generous offer which, with the object of intervening as mediators for the purpose of putting an end to the civil war which afflicts the Republic of Chile, the honorable minister plenipotentiary of the United States and the honorable representatives of Brazil and France

have been good enough to make, we deem it our duty, in this our first meeting, to place on record the following facts:

I. The Hon. Jorge Montt, chief of the constitutional forces by sea and land, in the name of the provisional government established in the northern provinces, for himself and as representative of his colleagues, has communicated to us, by note of April 20 ultimo, that he received a dispatch from the honorable Rear-Admiral Hotham, commander of the naval forces of Her Britannic Majesty in the Pacific, in which, complying with the instructions of Hon. Mr. Kennedy, minister resident of Her Britannic Majesty, he placed in his hands a notification that the said honorable minister in his own name and in that of the honorable minister of Germany, of their own initiation, offered their good offices for the purpose of entering into negotiations and to propose some *modus operandi* with the object of saving Chile from more bloodshed and more ruin.

That for his part Hon. Mr. Montt, charged with the defense of the rights of Parliament and of the constitutional system, believed he would have failed in his duty if he had not gladly accepted the negotiations; that he consequently accepted the generous initiative of the honorable ministers of Germany and England providing that the representatives of the opposition should be named from the persons who constitute a list communicated by him. Said list contains the names of the undersigned and of Mr. Alejandro Vial, who is absent from the country.

II. Honorable Mr. Kennedy, English minister, has been good enough to convey said communication, which has been brought to our knowledge.

III. The honorable ministers of the United States, Brazil, and France, prior to the date on which honorable Mr. Kennedy placed in our hands the note of the council of the provisional government, had offered to the Government of Mr. Balmaceda and to some of the undersigned the good offices of their respective Governments.

IV. For the undersigned it would have been very satisfactory to accept the mediation of the honorable ministers of Germany and England had it not been for the fact that the good offices of the honorable ministers of the United States, Brazil, and France had been previously offered and already accepted by Mr. Balmaceda.

V. The subscribers, authorized to represent the council of the government of the north and the chief of the constitutional forces in negotiations tending to reestablish peace and rule of the constitution and of the laws of the Republic, with ample power, consider themselves invested with sufficient power to accept, as we do accept, the mediation of the honorable representatives of the United States and of the Republics of Brazil and France.

For the purposes of what may transpire, we have agreed to place all of the foregoing in the knowledge of the honorable ministers who have honored us with the manifestations of their sentiments of interest and sympathy, and to place this document on record in the archives of this legation, begging the honorable minister plenipotentiary of the United States to be good enough to give it place therein.

B. PRATS.

M. CONCHA I TORO.

E. ALTAMIRANO.

PEDRO MONTT.

GREGORIO DONOSO.

EDUARDO MATTE.

CARLOS WALKER MARTINEZ.

[Inclosure 3 in No. 164.—Translation.]

Bases of peace submitted to mediators by the delegates of the opposition.

[Confidential.]

Messrs. MINISTERS: The mediation which your honors offered with the noble and elevated purpose of saving our country from the sacrifices which war imposes, even when conducted by both sides with the nobleness and generosity which should always govern contests between brothers, having been accepted by us, as indicated in our communication of yesterday, the moment has arrived to indicate to your excellencies the way which, in our judgment, may conduct to a peaceful solution without detriment to the high interests which the confidence of our compatriots has charged us to represent, and whose defense is for us a patriotic and unavoidable duty.

After the blood that has been spilled, after the sacrifices and horrible vexations endured with fortitude by our fellow-citizens in those moments of tribulation and shame for the country, we, Messieurs Ministers, do not change the formula of our former claims, and demanding to-day the same that we claimed yesterday, we believe, gives evident testimony of supreme moderation.

In the name of our compatriots we offer to lay down arms if there be reestablished in all its vigor the supremacy of the constitution and the laws of the Republic,

with the declaration and recognition of the nullity of all the acts executed in open violation of their provisions; the constitutional and legal situation to be reinstated from December 31 last, with the result of removing from our records the decrees in which have been exceeded the faculties given according to our laws to the executive power.

Consequently, and simply as an example in order to clearly express our idea, we say that the decree which ordered the holding of elections of senators, of deputies, and of municipal representatives in the month of March last, being completely and absolutely unconstitutional, the citizens who derive their titles from those elections, vitiated by inexcusable want of efficacy, can not be recognized as legitimate representatives of the people.

Still further as an example, we recall that the tribunals of justice should practice at once, with all the amplitude of jurisdiction which our laws accord them, and that there should be canceled the numerous decrees of dismissal of public employés who were protected by constitutional and legal guaranties which have not been respected.

The legitimate Congress, whose powers continue in force, should be convoked with all dispatch, in order to provide all that may be necessary with respect to future elections, the public funds, the maintenance of the army and of the navy, and, in general, the constitutional and legal order of the Republic.

In a word, we demand that which is a perfect right, and for every citizen an undoubted debt, that is, that there be reestablished the supremacy of the constitution and of the laws, abolishing all the powers or authorities that in months past of the present year have been dictated contrary to their prescriptions.

In the second place, we demand efficacious guaranties that will assure the complete and loyal execution of the requests we have advanced.

Now, Messieurs Ministers, mediators, you know our ideas, and we confidently hope that the supreme moderation and undeniable justice in which they have been inspired may be appreciated at their value.

Our demands would not be regarded as excessive in any civilized country. If they should be accepted, the mediation of the representatives of the three republics would have produced a result a thousand times blessed in assuring and consolidating among us respect for the law, that indispensable base of popular government.

If it should be rejected, armed resistance will be more and more justified, not only before our own conscience and before our patriotism, but before the opinion of the civilized world.

The honorable ministers will observe that we abstain from indicating what should be, in our judgment, the guaranties of loyal execution that the agreement should contain, and we hasten to give the reason of our proceeding.

We seek brevity, and the discussion between us of the points regarding our second requirement would be useless if the first should not be accepted.

We hope, then, that the honorable ministers, mediators, when they can do so, will have the goodness to inform us if the Government of Santiago accepts or not the idea of submitting itself to the constitution and to the laws of the Republic.

In the first place, we will hasten to indicate the means that, in our belief, would bring back to our country confidence in her future and the quietude it has lost.

Expressing again to the honorable ministers and to the Governments which they so worthily represent the assurance of our gratitude.

We remain, your obedient servants,

B. PRATS.
M. CONCHA I TORO.
E. ALTAMIRANO.
C. WALKER MARTINEZ.
GREGORIO DONOSO.
EDUARDO MATTE.
PEDRO MONTT.

SANTIAGO, May 5, 1891.

[Inclosure 4 in No. 164.—Translation.]

Señor Crnzat to the mediators.

[In triplicate.]

DEPARTMENT OF FOREIGN RELATIONS,
Santiago, May 8, 1891.

To Messieurs PATRICK EGAN, *envoy extraordinary and minister plenipotentiary of the United States*; H. B. CALVACANTI DE LACERDA, *envoy extraordinary and minister plenipotentiary of Brazil*; A. DE FRANCE, *chargé d'affaires of France*:

MESSIEURS MINISTERS: I have the honor to address myself, in the name of His Excellency the President of the Republic, to the ministers of the United States of America,

of Brazil, and of France, for the purpose of expressing to them the lively and sincere acknowledgments of my Government for the good offices exercised in favor of the re-establishment of peace and of the general quietude of the Republic.

The solicitude with which the honorable ministers have discharged their delicate task and their desire to procure a solution which would put an end to the misfortunes produced by the civil strife provoked by the 7th of January last binds once more the feelings of friendship which my Government has always professed for the nations and the governments which your honors represent.

My Government has been disposed to hear propositions from the revolutionary party which might permit it to deliberate in view of what its duty and patriotism required in presence of proposals clearly defined and manifested by the opposition groups in arms against the constituted Government.

It is evident that the committee of direction of the revolution considered that they could place in the knowledge of the honorable ministers the bases upon which it was possible to put an end to the pending conflict, but without empowering your honors to communicate them to my Government only when in its name had also been formulated conditions of settlement.

It was not possible to accept this proceeding, inasmuch as it involved a recognition of the revolutionary attitude that would impair the foundation of authority, for which His Excellency the President could not, nor would not, refuse to make sacrifices, however painful they might be to his sentiments and affections.

Events have marked out for His Excellency the President of the Republic the only line of conduct compatible with his duties and the high principles of preservation of public order entailed by the post which he fills: to hear the propositions formulated by the party of the opposition and to deliberate upon them with the spirit of equity and patriotic discretion which corresponds to the chief of the Republic.

Not because the good offices of the honorable ministers may have been unfruitful shall my Government remain unmindful of the noble and elevated sentiments which individually and collectively have accompanied their efforts.

I can not conclude without giving to the honorable ministers an explanation especially recommended by His Excellency the President of the Republic.

In the conference which took place the day before yesterday (Wednesday) in the ministry of the interior at 5 o'clock in the evening there occurred a misunderstanding with one of the honorable ministers with respect to the duration of the personal safe-conduct conceded by the Government through the medium of your honors to the persons who constitute the revolutionary committee in Santiago.

The honorable minister of the interior arrived at his office and at the conference referred to, immediately after having been a victim of an odious attempt which put in danger his life and those of his colleagues the president of the Senate and other respectable senators who accompanied them. Under the impression of that act the honorable minister of interior believed that what had occurred could not fail to attach to the directors of the revolution, and that in consequence had ceased the guaranties conceded under the faith of the respect due to persons even in a state of war and of internal struggle.

But the faith of the work pledged before your honors, and the consideration which is due from this Government to your honors and to your respective Governments, whatever may have been the violence of the action perpetrated by individuals of the opposition, obliges us to respect the guaranty conceded under date of the 2nd instant until the honorable ministers are pleased to fix the day on which same shall cease.

With sentiments of highest esteem, etc.,

RICARDO CRUZAT.

[Inclosure 5, in No. 164.]

Mr. Egan to Señor Cruzat.

LEGATION OF THE UNITED STATES,

Santiago, May 12, 1891.

SIR: I have the honor to acknowledge receipt of the note which your excellency, in the name of His Excellency the President of the Republic, has addressed to me on the 8th instant, relating to the good offices of the United States of America, Brazil, and France for the restoration of the peace of Chile.

The explanation which in the last part of said note your excellency has given in relation to what occurred on the occasion of the interview between my colleagues and I and the honorable minister of interior on the 6th instant, at 5 o'clock p. m., makes it evident that that gentleman, in declaring ineffective from that moment the

safe-conduct granted to the delegates of the opposition with whom we were to treat, acted without authorization from the Government of Chile. We are therefore enabled to fix the time at which the guaranty referred to shall cease, as in fact we did yesterday.

For my part I accept with thanks the explanation, which is all the more satisfactory because of its spontaneity.

Availing myself, etc.,

PATRICK EGAN.

[Enclosure 6 in No. 164.—Translation.]

The mediators to the delegates of the opposition.

SANTIAGO, May 10, 1891.

Messieurs BELISARIO PRATS, MELCHOR CONCHA I TORO, EULOJO ALTAMIRANO, CARLOS WALKER MARTINEZ, GREGORIO DONOSO, EDUARDO MATTE, and PEDRO MONTT:

GENTLEMEN: We have the honor to acknowledge receipt of the note which you have been good enough to address to us, the 5th of this month, communicating the basis upon which you would be disposed to enter into arrangements with the Government for the reestablishment of the internal peace of Chile, under the good offices which we have offered, and which have been accepted by both sides.

Before all, we may be permitted to convey to you our gratitude for the good opinions which you have so cordially expressed with respect to our Governments and their representatives.

With the impartiality imposed by our public character, and, besides, by the august mission which we were called upon to fill towards the two branches of the Chilean family, to-day unfortunately divided, we have endeavored to open a road which would conduct to their union.

The names of all of the distinguished gentlemen who have signed the letter of the 5th of May are of themselves sufficient guaranty of the elevated and correct form of that political document, and which impression we have entertained since it came to our cognizance. The character with which we are invested, as you well comprehend, prohibits us from pronouncing with respect to its substance.

You having intimated the desire that the Government should not receive any knowledge of the basis of arrangement of the opposition unless they should deliver to us their conditions in writing, we approached the Moneda on 6th instant with this object.

Our efforts have been fruitless; the Government for its part gave us to understand that it would not give us any knowledge of its conditions unless we should previously communicate to it the basis of arrangement of the opposition.

Before we were able to come to an understanding upon the manner of arranging this question of form, the Government, alluding to an incident entirely unconnected with this matter, which had occurred in the evening of the same day, declared the negotiations broken off.

We deplore the want of success of the negotiations, and sincerely hope that in the near future the Chilean nation may be able to follow again the path of unalterable peace in search of those high destinies that Providence has reserved for her.

We have, etc.,

PATRICK EGAN.

H. B. CAVALCANTI DE LACERDA.

A. DE FRANCE.

[Inclosure 7 in No. 164.—Translation.]

Termination of safe-conduct.

SANTIAGO, May 12, 1891.

In virtue of the power conferred upon us in the safe-conduct conceded under date of 2d of present month, the undersigned have the honor to communicate to his excellency the Hon. R. Cruzat, minister of foreign affairs of Chile, that they fix the day of the 15th of May, instant, at 12 o'clock at night, as the time when said guaranty shall cease.

PATRICK EGAN.

H. B. CAVALCANTI DE LACERDA.

A. DE FRANCE.

Mr. Egan to Mr. Blaine.

No. 166.]

LEGATION OF THE UNITED STATES,
Santiago, May 23, 1891. [Received July 7.]

SIR: I have the honor to inform you that the ministry whose organization I reported in my No. 100, of the 17th of October last, has resigned, and that His Excellency the President appointed on the 21st instant a new ministry, the personnel of which is as follows: Minister of the Interior, Don Julio Bañados Espinosa; of Justice and Public Instruction, Don Francisco Javier Concha; of Finance, Don Manuel Aristides Zañartu; of War and Marine, Gen. José Velasquez; of Industry and Public Works, Don Nicanor Ugalde; and of Foreign Relations and Public Worship, Don M. Maldunate.

This change has been brought about, so far as I can learn, by personal differences between some of the members of the cabinet, and has not, therefore, any political significance.

I have, etc.,

PATRICK EGAN.

No. 106.]

Mr. Wharton to Mr. Egan.

DEPARTMENT OF STATE,
Washington, May 28, 1891.

SIR: I have to inclose, for your information, copy of a letter from Mr. D. H. B. Davis, of Lima, Peru, stating that it is rumored that you have advised the Government of Chile to grant letters of marque to privateers as a war measure.

I am, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure in No. 106.]

Mr. Davis to Mr. Blaine.

LIMA, April 27, 1891.

DEAR SIR: It is reported here that our Minister to Chile, Mr. Patrick Egan, is advising the Chilean Government to grant letters of marque to privateers as a war measure. This rumor comes from high and respectable authority (English). It seems impossible for us Americans to believe this can be true, especially when we know how careful and circumspect Mr. Egan has acted all through his stay in Chile, commanding the respect of enemies and friends alike.

It would be most satisfactory to be able on good authority to refute this serious rumor.

I am, dear sir,

D. H. B. DAVIS,
Citizen of the United States.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1891.

Mr. Wharton instructs Mr. Egan that, prompted solely by a desire to restore peace, and entirely disinterested, the President desires him to

informally and discreetly ascertain whether the good offices of this Government can in any way be used for the termination of the conflict in Chile.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1891.

Mr. Wharton instructs Mr. Egan to telegraph a condensed statement of the situation, both military and political, and to write a full report and send the same by mail.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1891.

Mr. Wharton informs Mr. Egan that the expectation is entertained of a return to the custody of the courts of the United States of the arms placed on board of the *Itata* and of the ship herself.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, June 3, 1891.

Mr. Egan, declaring the newspaper reports to be for the most part absurdly exaggerated, says that Coquimbo and all southern Chile is under the control of the Government, whose resources are ample, and forces consist of 40,000 well-armed men, while the revolutionists have control of the northern provinces, command a force of about 6,000 badly armed men, and rely chiefly upon the navy, drawing their revenue from the shipments of saltpeter. He states that the session of Congress is proceeding as usual.

Mr. Egan to Mr. Blaine.

No. 170.]

LEGATION OF THE UNITED STATES,
Santiago, June 3, 1891. (Received July 16.)

SIR: I have the honor to acknowledge receipt of your telegram of June 1, respecting the *Itata*, on yesterday, and have communicated the contents to the minister of foreign relations.

I remain, sir, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 171.]

LEGATION OF THE UNITED STATES.
Santiago, June 3, 1891. (Received July 16.)

SIR: On yesterday I had the honor to receive your telegram requesting me to make a full report of the situation, to which I replied by telegraph this morning.

Since the abandonment of Antofagasta by the Government forces, referred to in my No. 147 of 31st March, there has been no encounter between the forces on land and the only occurrence of importance on sea has been the sinking of the revolutionary ironclad *Blanco Encalada* in the bay of Caldera on the morning of the 23rd of April by the Government torpedo-catchers *Almirante Lynch* and *Almirante Condel*, with the loss of about 180 of the officers and crew of the *Blanco*. This occurrence has, I presume, been fully reported upon by Admiral McCann for the information of the Department of the Navy. The troops that retired from Antofagasta, about 2,400, including officers and men, under command of Colonel Camus, found that at Calama they were cut off by the deserts of Antofagasta and Atacama from the main body of Government forces, while exit by the sea was barred by the revolutionary fleet. They therefore retired into Bolivia, passed through that country and through the Argentine Republic, sending their arms in advance, and after a journey of over 2,400 miles, across mountains and deserts, partly by rail, but chiefly on foot, came across the Andes Mountains, by way of Mendoza, and arrived in Santiago on the 24th May.

Another division of 700 men stationed at Arica and Tacna in the north, under command of General Arrate, finding itself cut off in like manner, rather than surrender to the revolutionists, retired into Peru, and is now interned in that country. A third body, chiefly of cavalry, under Colonel Stefan, being isolated at Capiapo, also retired into Bolivia, and is at present on its return across the Andes, enduring great hardships.

Those three cases are considered as indisputable proofs of the loyalty of the army to the Government.

The Government has now a well-organized and well-equipped army of 30,000 regular soldiers and an armed and highly disciplined police force of nearly 10,000 men; together about 40,000 men under arms. It has the two torpedo catchers, *Lynch* and *Condel*, which have already done such deadly execution on the *Blanco Encalada*, the fast transport *Imperial*, which has continuously carried troops and stores along the coast in despite of the entire revolutionary fleet, and it has some ten effective torpedo launches for service in the harbors. It is also expecting the arrival of two new fast protected cruisers now about completed for it in France.

In all of the country from Coquimbo to the Straits of Magellan the Government is supreme, and while there is much discontent, chiefly among the wealthy families, there is no disorder of any kind.

The Congress which met here on 20th April continues its proceedings in the ordinary way and in entire harmony with the executive power. The Government claims to have ample resources at its disposal for all contingencies, and it feels entirely confident of success.

The revolutionists occupy all the way from Huasco northward, but as the territory is entirely sterile they have to rely upon importation for everything they consume, and in some of the smaller ports even the water supply is brought in by ships. The result is that everything in the way of food supplies is extremely dear and much distress prevails

among the workers and their families, and consequently much discontent.

The number of men actually enrolled in the revolutionary army does not, so far as I can learn, exceed 6,000, of which the majority are poorly armed and without uniforms. The revolutionary leaders in the north and here claim to have an army of from 12,000 to 15,000 men, but from information recently brought down by the English fleet I learn that this calculation is based upon lists of names enrolled largely through the influence of superintendents and others connected with the nitrate oficinas in Tarapaca, and that while those names make an important display on paper, the owners of them continue their labors in the nitrate fields and have never actually joined the army.

The Junta or provisional government in Iquique is in receipt of a substantial income from duties on nitrate shipments, probably amounting at present to \$1,000,000 per month. It has also the fleet, consisting of two ironclads, the *Huascar* and *Cochrane*, three wooden vessels, the *O'Higgins*, *Magallanes*, and *Abtao*, and one cruiser, the *Esmeralda*, together with four or five transports taken from the Chilean Steamship Company. The only one of these that can make fast speed is the *Esmeralda*, which, in good repair, can steam about 15 knots per hour.

According to official statistics, published in February of this year, the total population of Chile is about 3,256,000 persons. Of those the the four provinces occupied by the revolutionists (Atacama, Antofagasta, Tarapacá, and Tacna) contain 180,800 persons, including over 58,000 foreigners, while the twenty provinces controlled by the Government contain the balance of 3,075,000 people.

The leaders of the opposition seem to feel much confidence in the ultimate success of their cause, but on the whole their prospects, viewed from a disinterested standpoint, do not look very promising. Under date of 25th of May Admiral McCann, writing me from Iquique, says: "My impression has been for some time that the success of the revolutionary party is about hopeless, and these impressions are somewhat strengthened by an admission made by Capt. Montt that he placed no reliance upon disloyalty to the Government of the troops in the southern provinces."

The belief in the disloyalty of the army has been all along the main hope and reliance of the revolutionists. It will be seen from my letters on this subject that I have never had any faith in this supposed disaffection, and the recent action of the troops under Gen. Arrate and Cols. Camus and Stefan, in facing terrible hardships and dangers rather than go over to the revolutionists, by whom they would have been received with open arms, afford strong confirmation of the opinions which I expressed.

The newspapers in the United States and England have been publishing ridiculous fabrications and exaggerations regarding the progress of the campaign and on the general situation here. I have read of wholesale butcheries of the wounded and prisoners by the revolutionists and of wholesale executions by order of the President, all of which were wilful exaggerations. Col. Robles and some of the wounded officers of the Government were bayoneted after the battle of Pazoalmonte in retaliation because Col. Robles had ordered to be shot the leaders of a mob of nitrate-workers, but with this exception I have not learned of any departures from the laws of civilized warfare. On the Government side I only know of six cases of capital punishment: two in the case of sergeants who were convicted of endeavoring to promote a mutiny among their men and of four men who were intrusted with the duty

of patrolling the harbor of Valparaiso and who deserted, taking away with them a Government torpedo launch. In all other cases where the death sentence was passed by military tribunals, the President promptly intervened with an extension of clemency. I have also read sensational accounts of naval combats at Valparaiso and other places, as well as of military operations, which were pure fabrications.

The present indications are that this unhappy struggle may last for some months to come.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, June 9, 1891.

Mr. Egan states that, while the revolutionists were not inclined to make any reasonable peace propositions, the Chilean Government is well disposed to entertain any that might be made.

Mr. Egan to Mr. Blaine.

No. 172.]

LEGATION OF THE UNITED STATES,
Santiago, June 9, 1891. (Received July 16.)

SIR: On Tuesday, the 2d instant, I had the honor to receive from Mr. Wharton a telegram.*

I also received on same day two letters from Rear-Admiral McCann, now at Iquique, copies of which I inclose, marked No. 1 and No. 2, in the latter of which he says:

I have just been authorized by the authorities here to ask the belligerents, through our Government and yourself, to act on my suggestion of yesterday with reference to the truce, and have telegraphed to Washington accordingly.

I took the earliest opportunity to obtain an interview with the President and intimated to him, informally, the object of my visit. He requested me to convey to the President of the United States his most cordial appreciation of the generous interest which he is taking with a view to terminating the present unhappy conflict in Chile, and to say that it would be an especial pleasure to him if such a happy result could be arrived at through the medium of the good offices of the United States. He requested me to convey the assurance that both he and his Government are ready to consider, in the most kindly spirit, any propositions coming from the revolutionary or opposition party based upon the maintenance of legitimate authority; that they seek no harsh measures against the other side, no penalties, no confiscations of personal property; and that they are prepared to make any reasonable sacrifices for the restoration of peace. The Government will not, however, make any proposals until it first has before it the propositions of the revolutionary party, and to this the revolutionary leaders here will

* Telegram of June 1.

not consent. The idea of a truce, suggested by Admiral McCann, would not at present be entertained.

Judging from the letters of Admiral McCann, and from information which has reached me through other sources, I consider that the revolutionary leaders here have an exaggerated idea of the condition of things with their friends in the North and on that account it is extremely difficult to deal with them.

I have replied to Admiral McCann, under date of 2d instant, suggesting to him the possibility of getting some proposals from the leaders in the north which might serve as the basis of negotiations. I inclose copy of my letter marked No. 3.

I shall avail of every possible opportunity that may offer to carry into effect the desire communicated to me on behalf of His Excellency the President; but, from the temper of the leaders of the revolution, and from their bitter personal hatred against President Balmaceda, I have but slight hopes of accomplishing anything practical at the present time.

The election of the next President will take place on the 25th of July, when, I believe, Don Claudio Vicuña will be chosen unanimously, or nearly so. This gentleman, with whom I have the honor to be on terms of cordial personal friendship, is an ardent admirer of the United States, and, as his family connections and associations extend in various directions among the leaders of the opposition, I have strong hopes that after his election it will be possible to negotiate a truce which, after his installation in office on the 18th of September next, may be converted into a permanent peace.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 172.]

Rear-Admiral McCann to Mr. Egan.

IQUIQUE, May 25, 1891.

MY DEAR SIR: I have just had a visit from Captain Montt and Señor Errazuriz, with the latter of whom I had a conversation about the *Itata* affair, as well as about the political and military situation of affairs in Chile.

He (Errazuriz) informed me that he expected the *Itata* here yesterday, and that she might arrive any time. He complained of the unjust treatment of the *Esmeralda* at Acapulco by the Mexican Government, stating that it was in violation of their rights as belligerents, and that sufficient coal and other supplies should have been allowed that vessel to enable her to reach the nearest home port; but that he was now in communication with the Mexican authorities, who were reconsidering the situation and were inclined to act more favorably. Mr. Trumbull was still in San Francisco, but had been unable to communicate with Capt. Silva of the *Esmeralda* and learn the whereabouts of the *Itata*.

The conversation then turned on the political parties in Chile, and Señor Errazuriz spoke of the unconstitutional manner of electing the present Congress as being the greatest obstacle to any peaceable adjustment of the difficulty between the revolutionary party and the Balmaceda government, and also of the confiscation of the property of the insurgents. I then inquired if he still had representatives of the Junta government in Santiago and if there remained any hope of further negotiations for peace. He replied that their representatives were still there and that the ministers of the three Governments who had offered their good offices were still prepared to continue their efforts for peace and that the Junta commissioners had receded from their first condition, of the retirement of Balmaceda from the office of President.

I then asked his opinion as to the probable conduct of Señor Vicuña when elected to the office of President. He thought that he would be more inclined for a peaceable settlement than Balmaceda had been.

I then suggested, "Why not consent to a truce until the expiration of the term of

office of Balmaceda? This would give time for the three foreign ministers and the members of the Junta to reconsider the negotiations for peace."

Señor Errazuriz thought "that it would be impracticable to suspend hostilities, with the armies now in the field." But a moment later he replied: "I have never thought of that; I thank you for the suggestion; it is a broad and generous view to take of the situation, and I will telegraph the fact immediately."

This is substantially the conversation, to the best of my recollection.

My impression has been for some time that the success of the revolutionary party is about hopeless, and these impressions were somewhat strengthened by an admission made by Captain Montt, that he placed no reliance upon the disloyalty to the Government of the troops in the southern provinces.

There is no important change in the situation of affairs here, although the torpedo cruisers and the *Imperial* have kept the garrisons and naval vessels about the nitrate ports in a continual state of commotion by threatening to attack.

The *Pensacola* is at Arica and the *Charleston* is expected to be there in a few days.

Yours, very sincerely,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

[Inclosure 2 in No. 172.]

Rear-Admiral McCann to Mr. Egan.

IQUIQUE, May 26, 1891.

DEAR SIR: In my hurried note of yesterday I omitted one part of the conversation which I think will be of interest to you.

In my first interview with Capt. Montt and Señor Errazuriz I stated that I was aware of the fact that our minister to Chile had been subjected to much undeserved abuse by the revolutionary party and their sympathizers, both on this part of the coast as well as in Santiago and Valparaiso, and that there was no doubt of Mr. Egan's impartiality in his conduct as our representative or that he had been befriending many of the opposition and had protected them and saved them from punishment.

During the interview yesterday, Señor Errazuriz remarked that he was aware of the fact and that he had the highest regard for Mr. Egan.

As to the suggestion for a truce which I made yesterday, it is my opinion that if proposed by the insurgents the Government would be placed in an embarrassing position if it were to be declined. This, however, is a matter entirely for diplomatic agents to deal with and arrange.

The sailing of the *Puno* having been put off till this afternoon, I avail myself of the delay to send this short postscript to my note of yesterday.

Yours, very sincerely,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

P. S.—I have just been authorized by the authorities here to ask the belligerents through our Government and yourself, to act on my suggestion of yesterday with reference to the truce, and have telegraphed to Washington accordingly.

W. P. McCANN.

[Inclosure 3 in No. 172.]

Mr. Egan to Rear-Admiral McCann.

LEGATION OF THE UNITED STATES,
Santiago, June 2, 1891.

MY DEAR SIR: Your much esteemed and very interesting letters of the 25th and 26th ultimo came to hand to-day, and I am greatly pleased to receive, and very thankful for, all the information which they conveyed. I have also to-day received a telegram from the Department of State, instructing me, in the name of the President, to ascertain, discreetly and informally, whether there is any way in which the friendly offices of our Government can be used for the termination of the conflict now raging in Chile, which suggestion is made in an entirely disinterested manner and prompted solely by a desire to restore peace. In pursuance of that instruction I had to-day a conference with the President, in which he manifested a very good spirit and a strong desire for peace, based, of course, upon legitimate principles. The late negotiations were broken off because the delegates of the opposition would not consent that their bases of peace should be made known to the Government until

the latter had first given in writing to us as mediators its conditions, which the Government could not consent to do.

The President assured me that his Government will consider in a kindly spirit any proposals which the opposition may submit, and that there is no medium through which he would be so much pleased to receive propositions as through your good self and through the United States legation in Santiago.

If your view of the situation be correct, as I have no doubt it is, the opposition leaders here are greatly mistaken and as a consequence they have got their notions entirely too high. They assert, and I am sure they honestly believe, that the revolutionary army in the north is composed of about 14,000 to 15,000 men and that very soon they can invade the south with 10,000 to 12,000 men well armed and equipped. In this frame of mind it is entirely useless to talk compromise with them.

I believe that the only chance of effecting an arrangement is by negotiating direct with the leaders in the north, and I would suggest to you to endeavor to obtain from them some definite propositions which may serve as a basis for negotiation.

Your idea of a truce would not, I fear, be entertained. I suggested the matter to-day, but it was not favorably received.

The government has now about 30,000 regular troops and about 10,000 armed police. If these men continue loyal—and I believe they will—it seems to me that the government can not be disturbed and a continuance of the present state of things must be ruinous for every interest in Chile. It is therefore a duty, in the interest of humanity, to do everything possible to restore peace and save the country from further bloodshed and ruin.

You can assure the gentlemen of the opposition in the north that my best and most cordial efforts will be freely and fully at their disposal for the attainment of these ends.

I remain, etc.,

PATRICK EGAN

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,

Washington, June 17, 1891.

Mr. Wharton advises Mr. Egan that there are negotiations being conducted by combined English companies for the purchase of the only land line, and instructs him to use his good offices in behalf of the Central and South American Telegraph Company, which should enjoy fair and impartial consideration of their application for a line that they desire to establish and operate between Valparaiso, Santiago, and the Argentine frontier.

Mr. Wharton to Mr. Egan.

No. 111.]

DEPARTMENT OF STATE,

Washington, June 18, 1891.

SIR: I append on the overleaf a copy of a telegram sent you on the 17th instant, permitting the use of your good offices in behalf of the application of the Central and South American Telegraph Company to establish and operate a telegraphic line between Valparaiso, Santiago, and the Argentine frontier.

At the same time I inclose for your information and files a copy of a letter from the president of that company, of the 2d instant, and of my reply of the 16th, touching the character of your intervention.

Agreeably to a telegraphic request from Mr. Scrymser of the 17th instant, I cabled you on that date as stated.

I am,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure in No. 111.]

Mr. Scrymser to Mr. Wharton.

CENTRAL AND SOUTH AMERICAN TELEGRAPH COMPANY,
 37 and 39 Wall Street, New York, June 2, 1891. (Received June 3.)

DEAR SIR: I have the honor to inquire if the State Department would, if it should be so decided by the directors of this company, telegraph to General Egan, United States minister to Chile, requesting him to confer with the general manager of this company, now in Chile, and obtain for this company the right to establish, maintain, and operate a telegraph line between Valparaiso, Santiago, and the Argentine frontier. I ask this, because I have received to-day telegraphic advices that the combined English companies operating the cables between Europe, Brazil, and Argentina are negotiating for the purchase of the only land line between Valparaiso, Chile, and Buenos Ayres, Argentina, the Transandine Telegraph Company. The only obstacle to such purchase arises through the fact that owing to the disturbed condition of Chile the necessary number of shareholders can not be reached to give their consent, consequently the Transandine Telegraph Company is inviting sealed tenders for the purchase of its lines, to be opened July 15; and even then it is doubtful if the consents of a sufficient number of shareholders can be secured.

I have reason to believe—in fact know—that the relations of General Egan with the Chilean Government at the present time are such that the Chilean Government will gladly concede any reasonable permission that General Egan might ask.

The State Department has always given its valuable aid in undertakings of this character, and I need not explain to one so well informed as yourself that if the English companies monopolize this important link American commerce will suffer, and the possibility of this, an American company reaching Argentina and Brazil will be, to say the least, doubtful and difficult.

I am sure General Egan will be only too glad to facilitate a matter of such vital importance to American interests.

Should you decide that the State Department can properly act in this matter, I will prepare a brief telegram explaining our requirements, to be sent by the State Department in code to General Egan, the cost of which telegram this company will of course pay.

I remain, etc.,

JAMES A. SCRYMSER,
President.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
 Santiago, June 25, 1891. (Received June 26).

Mr. Egan informs the Department that the Chilean Government can not be expected to grant the favors referred to in the telegram of the 17th, since the telegraph company has refused to open direct communications with Valparaiso.

Mr. Egan to Mr. Blaine.

No. 174.]

LEGATION OF THE UNITED STATES,
 Santiago, June 25, 1891. (Received August 12.)

SIR: I have the honor to acknowledge receipt of your cable dispatch of the 17th instant, and after consultation with Mr. Turner, agent of the Central and South American Telegraph Company, I presented the solicitude of the company for permission to construct and operate a line from Valparaiso to Santiago and on to the Argentine frontier. This solicitude is regarded as a move for the purpose of depreciating the value of the Transandine Telegraph line, which is about to be

sold in a couple of weeks, and the stock of which is largely held here and in Valparaiso. On this account, but especially on account of the unwillingness of the Central and South American Company to open up direct communication with Valparaiso, in response to the earnest request of the Government, I have but little hope that the concession will be granted.

I have, etc.,

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 26, 1891.

Mr. Wharton acknowledges receipt of Mr. Egan's telegram reporting that insurgents refuse good offices of the United States, and states that impression that insurgents would willingly accept our mediation for peace is confirmed by repeated advices from our naval officers in northern ports; states that unless an erroneous impression exists at Santiago, this Government is unable to understand causes of conflicting reports from different quarters as to insurgents' attitude; and asks whether he is assured that the President, if the insurgents would concur, would accept our good offices to restore peace.

Mr. Egan to Mr. Blaine.

No. 175.]

LEGATION OF THE UNITED STATES,
Santiago, June 27, 1891. (Received August 12.)

SIR: I have the honor to inclose copy of a letter which has reached me from Rear-Admiral McCann, together with copy of a communication; therein referred to, from Don Isidoro Errazuriz as representative of the Junta or executive of the opposition party. I also inclose copy of my reply of this date addressed to Admiral McCann, from which, as well as from my letter of the 2d instant, inclosure No. 3 in No. 172, it will be seen that in supposing that I had requested him to address a note, or to formally tender good offices, to the revolutionary Junta the admiral was under a misapprehension.

The copy of the letter of Don Isidoro Errazuriz has been extensively circulated through the revolutionary channels, but I have already taken effective steps to counteract any injury that might result from this incident.

In the present temper of the parties any attempt at mediation would be fruitless.

I have, etc.,

PATRICK EGAN.

[Inclosure No. 1 in No. 175.]

Rear-Admiral McCann to Mr. Egan.

IQUIQUE, CHILE, June 12, 1891.

DEAR SIR: I have much pleasure to acknowledge the receipt of your communications dated respectively May 9, 12, and June 2.

As requested in your letter of the 2d instant, I addressed a note to Señor Errazuriz to endeavor to obtain from the Junta some definite propositions that might serve as a basis for reopening peace negotiations between the Chilean Government and the insurgents.

This request was at once complied with; and on the 10th instant I received a reply in the form of a declaration, a translation of which is herewith inclosed, with a request that the declaration be transmitted to the Department of State at Washington, in reply to its friendly question as to the means of terminating the present conflict.

I have to regret that in my note to Señor Errazuriz I incautiously quoted too freely from your letter of the 2d instant, especially that line in which you express the opinion that "the government at Santiago can not be disturbed."

The consequence of this inadvertence on my part (being unaccustomed to diplomatic fencing) will be seen in the declaration of Señor Errazuriz.

I did not quote, however, that part of your letter referring to the relative military strength of the two parties, and simply offered to be the channel through which they might transmit a reply either to yourself or to the Government at Washington.

There is but little change in the situation of affairs here. The *Amazonas* came in a few days since with 2,400 troops from the south, Copiapo and Caldera, I believe, apparently concentrating their forces at Iquique. The torpedo cruisers, as you have probably heard, have been demonstrating about their ports, which continual harrying of the garrisons and ships exasperates the insurgents to the last degree.

The *Itata*, conveyed by the *Charleston*, sails to-morrow night for San Diego. The loss of the vessel and the arms at this time has excited a bitter animosity against us.

With kindest regards, etc.,

W. P. MCCANN,
Rear-Admiral, U. S. Navy.

[Inclosure 2 in No. 175.]

Rear-Admiral McCann to Señor Errazuriz.

FLAGSHIP BALTIMORE,
OFFICE OF COMMANDER-IN-CHIEF,
Iquique, Chile, June 8, 1891.

SIR: I have the honor to inform you that under date of the 2d instant the Hon. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States to Chile, has authorized me to offer to the authorities of the opposition the friendly offices of the United States Government and at the same time most cordially his own services in renewing negotiations with a view to a restoration of peace in Chile.

Mr. Egan states that on the date above referred to he had received a telegram from the Department of State instructing him in the name of the President to ascertain discreetly and informally whether there is any way in which the friendly offices of our Government can be used for the termination of the conflict now raging in Chile, which suggestion is made in an entirely disinterested manner and prompted solely by a desire to restore peace.

Mr. Egan further states that on the 2d instant "he had a conference with the President of Chile in which he manifested a very good spirit and a strong desire for peace, based, of course, upon legitimate principles."

"The late negotiations for peace were broken off because the delegates of the opposition would not consent that their basis of peace should be made known to the Government until the latter had first given, in writing to us, or ministers, its conditions, which the Government would not do."

"The President assured me that his Government will consider in a kindly spirit any propositions which may be submitted by the opposition, and that there is no medium through which he would be so much pleased to receive propositions as through your good self, and through the United States legation at Santiago."

"I believe that the only chance of effecting an arrangement is by negotiating directly with the leaders in the north, and I would suggest to you to endeavor to obtain from them some definite propositions which may serve as a basis for negotiations."

"Your idea of a truce would not, I fear, be entertained. I suggested the matter to-day, but it was not favorably received.

"It seems to me that the Government can not be disturbed, and a continuance of the present state of things must be ruinous for every interest of Chile. It is, therefore, a duty in the interest of humanity to do all that is possible to restore peace, and to save the country from further bloodshed and ruin.

"You can assure the gentlemen of the opposition in the north that my best and most cordial efforts will be freely and fully at their disposal for the attainment of these ends."

In conclusion I beg to assure you that if I can be of any assistance in communicating your decision relating to the above propositions either to the Hon. Mr. Egan or to the Government of the United States, I shall be most happy to comply with your wishes.

I have, etc.,

W. P. McCANN,

Rear-Admiral, U. S. Navy,

Commanding U. S. Naval Force, South Atlantic and South Pacific Stations.

[Inclosure 3 in No. 175. Translation.]

Señor Isidoro Errazuriz to Rear-Admiral McCann.

JUNTA DE GOBIERNO, Iquique, June 10, 1891.

ADMIRAL: I have had the honor to receive your letter of the 8th, in which you inform me that on the 2nd of this month the Hon. Patrick Egan, Minister Plenipotentiary of the United States in Santiago, authorized you to offer to the authorities of the opposition the good offices of the Government of the United States, and at the same time very cordially your own services were offered for the purpose of renewing negotiations for the reestablishment of peace in Chile.

You add that Mr. Egan informed you on the same date already mentioned that he received from the Department of State a telegram in which he was charged in the name of the President to try to find out if there is any way in which the good offices of the Government of the United States could be employed to put an end to the conflict which is destroying Chile, a friendly intervention made in a disinterested manner, in obedience exclusively to the desire to reestablish peace.

Mr. Egan also informed you that on the 2nd day of this month he had a conference with the President of Chile, in which the latter showed a favorable disposition and a lively desire to secure peace, based of course on legitimate principles.

The last negotiation was interrupted because the Delegates of the Opposition refused to permit their demands to be communicated to the Government before the latter would impart its own demands to the Mediators, something which the Government did not wish to do.

The President assured the Hon. Mr. Egan that he would consider in a benevolent spirit any proposition whatever that would be submitted to him by the Opposition, and that nothing would please him so much as to receive these propositions through you or the United States legation in Santiago.

The Hon. Mr. Egan believes that the only way to reach an arrangement is to negotiate directly with the leaders in the North, and suggests to you to try to obtain from them some concrete proposition which could serve as a basis for negotiations.

In regard to the idea of a truce which was favored by you Mr. Egan thinks that there is no probability of its being accepted. In the conference which was held in the Government House he referred to the matter and it was not favorably received.

The Hon. Mr. Egan believes finally that the Government can not be overthrown, and that as the continuation of the present state of things is ruinous to the country it is a humane duty to put an end to the spilling of blood. He concludes by authorizing you to inform the gentlemen of the opposition that they can count on his best and sincerest efforts to reach this end.

Finally, you have the goodness to assure the undersigned that you will take pleasure in informing the Hon. Mr. Egan or the Government of the United States of any decision whatever of the Governing Council (Junta de Gobierno) relative to the proposition already mentioned.

I am charged by the Provisional Council of Government to say to you in reply, that they deplore the rejection in Santiago of the proposition for an armistice which was favored, disinterestedly, by you and submitted to the approbation of the President of the United States.

The undersigned had the honor to declare to you, as soon as you proposed it, that the Governing Council esteemed the spirit of equity and benevolence which inspired the said proposal, and that they considered it well calculated to mitigate the evils

from which the country suffers and to facilitate the pacificatory action of friendly states.

As to the new proposal which the Hon. Mr. Egan, minister of the United States, now makes through your estimable mediation to the members of this Government, to the effect that the negotiations for peace may be renewed, in the sense that those who obey the authority of Congress shall present propositions which shall be submitted to the examination and discussion of Mr. Balmaceda, who has promised to consider them in a benevolent spirit, a proposal inspired, it appears, by the opinion that the Hon. Mr. Egan has formed in Santiago, that the Government can not be overthrown, you will pardon the undersigned if he excuses himself from discussing it at the present moment.

You are aware also that on the part of the Governing Council there never was any embarrassment or difficulty in opening proper and just negotiations for peace, as was proved when they made haste to respond to the call made on them with this object, in May last, by the honorable ministers of Great Britain and Germany, through the worthy mediation of Admiral Hotham.

Neither is the fact unknown to you that a few days ago, under the auspices of the representatives of the United States, France, and Brazil, conferences for peace were arranged on the distinct basis which the Hon. Mr. Egan favors to-day, and that this benevolent attempt failed unexpectedly and without reason, just as the later proposition for a truce failed, from no fault whatever of the negotiators or coadjutors of the Constitutional Government.

In general the undersigned takes pleasure in declaring that his Government will always listen with interest and courtesy to any pacific proposition emanating directly or indirectly from the government of Mr. Balmaceda, and that there will be no obstacle to the attainment of those noble efforts of friendly nations for peace while that which this council considers as "legitimate principles" are carefully guarded.

These are, the integrity of the constitutional system of Chile, and the repudiation of every act and every condition based on the violation of the laws which the country has learned to obey and venerate in more than 70 years of operation. The council would be very much gratified if this declaration, in reply to the friendly request for an opinion of the means necessary to terminate the present conflict, were transmitted to the Department of State in Washington.

It is a satisfaction to me, with this object in view, to reiterate to you the expression of my highest and most distinguished consideration.

ISIDORO ERRAZURIZ.

[Inclosure 4 in No. 175.]

Mr. Egan to Rear-Admiral McCann.

LEGATION OF THE UNITED STATES,
Santiago, June 27, 1891.

MY DEAR SIR: I have the pleasure to acknowledge receipt of your letter of 12th instant, with the inclosed copy of a communication from Don Isodoro Errazuriz, in reply to your note of 10th instant addressed to him.

I am sorry you wrote at all to Mr. Errazuriz, as those matters are always better treated verbally, and you will remember that in the telegram from the State Department, to which I referred in my letter of 2d instant, it was stated, as the desire of the President, that the endeavors to ascertain if the good offices of our Government could be used should be made "discreetly and unofficially."

The copy of the letter of Mr. Errazuriz had been sent to the chiefs of the opposition party here several days before I received it from you, and the contents, in an exaggerated form, are now freely circulated through the various opposition channels, to our detriment.

From the temper of the parties, it seems to me to be entirely impossible to do anything towards the restoration of peace at the present time, and it would therefore be useless to refer to the question of an armistice.

I have never stated to the Government here that I had received any intimation from any source on the question of an armistice, but simply suggested the idea in a casual way as coming from myself, which course meets the approbation of the representatives of the opposition here.

I remain, etc.,

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 30, 1891.

Mr. Wharton transmits to Mr. Egan information received by wire from the president of the Central and South American Telegraph Company relating to the company being forcibly prevented from working the cable between Iquique and Valparaiso, and expressing the willingness of the company but the fear that if the direct cable were connected through between Peru and Valparaiso it would be cut by the officials at Iquique.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, July 2, 1891. (Received July 12.)

Mr. Egan strongly recommends that the telegraph company accept the offer made by the Chilean Government to pay the expenses of opening communication with Valparaiso and to give guaranties against damages to cable.

Mr. Wharton to Mr. Egan.

No. 112.]

DEPARTMENT OF STATE,
Washington, July 3, 1891.

SIR: Referring to your No. 153, of April 21 last, stating that the Chilean Government was desirous of purchasing a war vessel from the United States, I have to inform you that the Navy Department replies that it has none for sale.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Egan.

No. 115]

DEPARTMENT OF STATE,
Washington, July 9, 1891.

SIR: I have to acknowledge the receipt of your Nos. 151 and 152, of April 6 and 14 last, relative to a decree of the Chilean Government closing to commerce certain ports of Chile while in the hands of the insurgents.

In view of the fact that you have "obtained full and friendly assurances that American vessels will not be subjected to any inconveniences," the necessity for any formal instructions to you in the premises has been anticipated.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Egan to Mr. Blaine.

No. 179.]

LEGATION OF THE UNITED STATES,
Santiago, July 10, 1891. (Received September 26.)

SIR: On the 27th ultimo I had the honor to receive a telegram from the Department, in which it is stated that repeated advices from naval officers in northern ports confirm the impression that revolutionists would willingly accept mediation. I postponed my reply to this message in the expectation that either the *San Francisco* or the *Baltimore* would arrive from the north, and that I should be able to learn from the officers reliable information respecting the situation and views of the revolutionists in the north. I now learn that neither ship will arrive here for some time.

The President and his Government have all along maintained the position that they are ready to consider any reasonable proposals for the re-establishment of peace, but that they will not advance any until they first have before them bases of arrangement submitted by the revolutionists. There is living, here in Santiago, concealed, a revolutionary committee, in constant communication with the leaders in the north, and who know precisely the attitude of the Government. I have ascertained beyond doubt that this committee is determined not to make any propositions to the Government, and that in this position they are fully sustained by the Junta de Gobierno in Iquique. The officers of the Navy must therefore be mistaken in their appreciation of the situation, and I can but repeat the opinion expressed in my Nos. 172 and 175: that in the present temper of the parties any attempt at mediation would be entirely fruitless.

I have, etc.,

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 14, 1891.

Mr. Wharton advises Mr. Egan that telegraphic information has been received from the President of the Central and South American Telegraph Company giving the 20th as the date on which the company expect to connect the cables in free sea.

Mr. Egan to Mr. Blaine.

No. 180.]

LEGATION OF THE UNITED STATES,
Santiago, July 16, 1891. (Received September 26.)

SIR: I have to-day received your telegram informing me that Central and South American Telegraph Company expects to connect cables in the free sea, between Callao and Valparaiso, about the 20th instant, which information I have duly conveyed to the Chilean Government.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 181.]

LEGATION OF THE UNITED STATES,
Santiago, July 16, 1891. (Received September 26.)

SIR: I beg to refer to the gross inventions and exaggerations which have appeared in the press of the United States describing imaginary cruelties and atrocities on the part of both of the parties to the civil war which at present so unhappily afflicts this country, and to state for your information that since the beginning of the present month the Government has set at liberty and sent to Iquique, the headquarters of the revolution, without any conditions whatsoever, eighty-seven political prisoners, and four others will leave by the next mail steamers for Montevideo; leaving now in the Government prisons only fourteen or fifteen prisoners, all military men, charged with, or suspected of, attempting to tamper with the loyalty of the army. All of these gentlemen, all men of good position, were treated while in prison—as are also the military prisoners still retained—with every consideration. They have had an entire wing of the prison given up to them, with well-ventilated and perfectly clean cells, free intercommunication, permission to receive their friends with very slight restrictions and to receive from outside almost anything in the way of furniture and luxuries which their friends desired to send them, and many of them were allowed to keep their servants. For some months they were supplied with food at the expense of a committee of friends, from a French restaurant, the most excellent in the city, and when the committee stopped this supply the Government had the food supplied from another caterer at an expense of about \$40 gold per month for each prisoner.

Many reports reached here of the cruel treatment of Government officers who are prisoners in the north, in the hands of the revolutionists, and the Government requested me to use my good offices to procure an amelioration of their condition, which I did, but on investigation those reports, as well as the others, turned out to be entirely unfounded.

I have, etc.,

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

No. 120.]

DEPARTMENT OF STATE,
Washington, July 21, 1891.

SIR: Your No. 172, of the 9th ultimo, in regard to your constant efforts to bring about a cessation of the deplorable conflict in Chile, has been received. Your earnest and impartial endeavors to pave the way for the effective interposition of the good offices of the United States, either alone or in conjunction with those of France and Brazil, are highly appreciated and fully approved. The want of success hitherto should not dishearten you, or cause any relaxation of your friendly offices. It would seem that the near approach of the end of President Balmaceda's term and the probable installation of a new President against whom personal antagonism may be less sustained, joined to the recent proposals for amendments in the Chilean constitution, may render a solution of the difficulties more easy.

Señores Montt and Varas, representing the Congressional party as confidential agents, have been in this city for some weeks. The object of their visit is understood to be the presentation of the claims of their party to recognition as a belligerent government. Conspicuously assert-

ing their capacity as authoritative representatives of a *de facto* combatant, and claiming to be envoys of an organized sovereign government, they have by their own pretensions made it quite impracticable for this Department to receive them or communicate with them directly, even in an unofficial way. As on frequent occasions in the past, the executive is not disposed to prejudge the question of recognition of a revolutionary movement, and nothing has yet occurred which would constrain this Government to a decision of the question of the international status of the Congressional party in Chile. The non-reception of the Congressional agents is in no wise a decision on the merits of the main question. Positive results must be awaited showing the true purpose of the people of Chile, and in the meantime this Government feels bound to maintain its attitude of impartial forbearance.

The President's entire friendliness to the people of Chile and his earnest desire to do anything that will restore them to peace and promote the welfare of the country have been clearly shown, and your continued coöperation in all proper ways is confidently looked for.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, July 25, 1891.

Mr. Egan telegraphs that the English, German, and French ministers have given an undertaking, which the Chilean Government requires as a condition of clearing cargoes from Chilean ports, that if ships should be forcibly compelled to enter ports in control of revolutionists their liberation will be exacted by the fleets of their respective nations. Mr. Egan asks whether he may give the same assurance.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 25, 1891.

Mr. Wharton informs Mr. Egan that he is not authorized to give undertaking referred to in his telegram of the 25th instant as a condition of clearing cargoes from Chilean ports, and that the Government of the United States will always take all proper steps to protect vessels flying its flag.

Mr. Egan to Mr. Blaine.

No. 182.]

LEGATION OF THE UNITED STATES,
Santiago, July 25, 1891. (Received September 26.)

SIR: On 14th instant I had the honor to forward a telegram informing you that the Chilean Government required, as a condition of clearing cargoes from ports in control of the Government, a guaranty that,

should the ships be compelled by force to enter ports in control of the revolutionists, their liberation would be exacted by the fleets of their respective nations, stating that the ministers of England, Germany, and France had passed notes giving such guaranties and asking if I might do the same. On to-day I received a telegram informing me that my telegram of the 14th had arrived unintelligible, and requesting repetition in other form, which I duly forwarded.* To this I have received cable reply, stating that the Government of the United States will always take all proper steps to protect vessels flying its flag, but declining to permit me to give the required guaranty.

I beg respectfully to point out that my inability to give the same guaranty as that which the representatives of other maritime powers are giving, places United States shipping interests at somewhat of a disadvantage on this coast. However, I do not think the present state of things can continue very much longer.

For your information I inclose copy of one of the notes of guaranty passed by the British minister.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 182.]

Mr. Kennedy to Mr. Zanartu.

HER BRITISH MAJESTY'S LEGATION,
Santiago, June 17, 1891.

SIR: Referring to the conference held in your office yesterday with the representatives of British houses interested in the export of wheat from Chilean ports, I have the honor to inform your excellency that on receipt by me of a list of the ships loading grain for Europe I shall apply to the officer in command of Her Majesty's ships on this coast for special protection on behalf of the above vessels.

I beg further to assure your excellency, that in case of the seizure or molestation of the above ships, by vessels of the Chilean revolted fleet, Her Majesty's naval officers will insist on the immediate release of ships and cargo, and their restoration to the port of export.

I have, etc.,

J. G. KENNEDY,
Her Majesty's Minister Resident in Chile.

Mr. Egan to Mr. Blaine.

No. 183.]

LEGATION OF THE UNITED STATES,
Santiago, July 28, 1891. (Received September 26.)

SIR: I have the honor to refer to my telegram of March 8, and my dispatch No. 148, of April 1st last, conveying the request of the Chilean Government that the United States would permit one of its war ships to convey from Valparaiso to Montevideo a quantity of bar silver which it desired to export for the purpose of paying the interest on the national debt abroad, to which communication I did not receive any reply. I now beg to state that the English Government has placed the British war ship *Espiègle* at the service of the Government of Chile to convey this bar silver to England and that she is now taking it on board at Talcahuano.

I have, etc.,

PATRICK EGAN.

* See telegram of July 25 from Mr. Egan.

Mr. Egan to Mr. Blaine.

No. 184.]

LEGATION OF THE UNITED STATES,
Santiago, July 29, 1891. (Received September 26.)

SIR: I have the honor to inform you that on the 25th instant took place the session of the electoral college for the purpose of electing a President to succeed President Balmaceda, when Señor Don Claudio Vicuña was chosen unanimously.

Mr. Vicuña is a member of one of the most important families in Chile, related directly and by marriage with many of the most prominent leaders of the opposition, and is a man of unquestionable honor. His inauguration as President will take place on the 18th of September and I have much hope that an opportunity may then be found to do something practical for the restoration of peace. Mr. Vicuña is an ardent friend of the United States and an admirer of its institutions.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 185.]

LEGATION OF THE UNITED STATES,
Santiago, July 30, 1891. (Received October 3.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 106 of 28th May, with inclosed copy of a letter from Mr. D. H. B. Davis, of Lima, Peru, in which that gentleman states that it is rumored and that the rumor comes from "high and respectable authority (English)" that I have advised the Government of Chile to grant letters of marque to privateers as a war measure. In reply I beg to say that I feel obliged to Mr. Davis for affording me this opportunity to give an unqualified contradiction to the statement. Not only have I not given the advice which this "high and respectable" English authority attributes to me but I have never given to the Government of Chile any advice or suggestion as to the conduct of the war. Throughout this unhappy conflict I have endeavored to maintain, as I am bound under my instructions to do, cordial relations with the Government to which I am accredited; at the same time I have the assurance that I have retained the friendship and confidence of all of the leaders of the opposition. As an evidence of this I may point to the part which I was enabled to take in the negotiations for the re-establishment of peace, inaugurated in the beginning of May, and to the fact that the conferences then held of the delegates of the revolutionary party were, with the full knowledge and consent of the Government, held in this legation.

Since the commencement of the revolution I have been requested on various occasions by the opposition to exercise good offices in their behalf, in favor of the liberation of prisoners, the mitigation of punishment, the preservation of convent schools and clerical colleges from military occupation, and other similar matters, in all of which cases every intimation that I made to the Government was most cordially received and in almost all cases promptly acted upon. Mr. J. W. Merriam, United States consul in Iquique, writing me under date of 15th July in reference to some severe and entirely unmerited strictures which were published in the *Nacional*, an important revolutionary organ in Iquique, in reference to me, says: "Yesterday I had an interview with Mr. Irrarrazaval, the minister of the interior, and in the course of

the conversation I alluded to the editorial of the *Nacional*, and he, with entire frankness, assured me that the Junta de Gobierno regretted that the *Nacional* had so expressed its opinions, and that he and the other members of the cabinet had no complaint to make as to your position and procedures in this civil conflict; which, properly interpreted, means that you have maintained your position as a neutral."

In the present terribly excited condition of public feeling here, when every act and word are closely criticised and often distorted, it is extremely difficult to avoid being misrepresented, but so far I can congratulate myself upon having been able to keep this legation clear of all entanglements.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 188]

LEGATION OF THE UNITED STATES,
Santiago, August 3, 1891. (Received October 3.)

SIR: I have the honor to inclose translation, cut from Chilean Times, of an article which appeared on 31st ultimo, in *La Nacion*, of Santiago, the official organ of the Government, in reference to the extraordinary conduct of some of the commanders and officers of the British war ships on this coast during the present conflict. The feeling on the subject in Government circles is intense. They charge that all of the revolutionary correspondence between North and South is carried by the English vessels of war and that the commanders and officers of those ships, as well as the English element generally in this country, have done everything in their power against the Government and in favor of the revolution, in entire disregard of their duty as neutrals.

It is positively asserted by the Government that the commander of H. B. M.'s ship *Melpomene* recently brought to Iquique news that there had been a desperate revolt among the Government troops in Coquimbo, resulting in a fight in which there were a large number killed and wounded. Upon hearing this news, which was absolutely unfounded, the revolutionary leaders in Iquique immediately dispatched to Caldera an expedition of about 2,000 men to take advantage of the supposed demoralization of the Government forces.

The Government has also received information that the commander of H. M. ship *Espigle* made about a month ago, overtures to, or at least talked with, Commandante Moraga, the commander of the Government naval squadron, in a manner calculated to induce him to betray the Government and hand over the torpedo catchers *Lynch* and *Condel* and the fast transport *Imperial* to the revolutionists. The Government has, I believe, made very strong private representations to the British minister on these subjects.

I have, etc.,

PATRICK EGAN.

[Inclosure.—Translation from *La Nacion*, of Santiago, July 31, 1891.]

BRITISH OFFICERS CENSURED BY "LA NACION."

In yesterday's edition of the *Nacion* there appears an article, of which we give below a translation, with the following sensational headlines: "Some vessels of the British squadron commit reprehensible acts and unworthy of a serious nation."

It was the commander of the *Melpomene* who carried to Iquique the false news of the mutiny of the Coquimbo division. How the commander of the *Garnet* last night lighted up all the north coast of Coquimbo with the electric light, firing guns, as if it were an enemy's vessel that was running along the coast.

"The conduct of some of the commanders of Her Britannic Majesty's vessels of war is highly reprehensible. They frequently carry false news north, and they also bring them south. It was the commander and the officers of the *Melpomene* who carried to Iquique the news that the Coquimbo Division had revolted and that many men were killed and wounded. This was the reason of the rebels undertaking an expedition to Atacama, and this was the cause of the underground revolutionists in Santiago believing in the destruction of the Coquimbo Division and in the occupation of that province by the rebel forces. These jokes with the revolutionists are not proper in serious officers, nor in gentlemen. The night before last the corvette *Garnet*, also British, left Coquimbo and ran along the coast northwards, making incessant use of her electric light and firing guns for several hours at midnight. These gun exercises on a littoral where there exists a Chilean army, and at midnight, reveal in the officers of that vessel a forgetfulness of British austerity and the difference that exists between English sailors of another age and the playful and skylarky ones of to-day. It is to be hoped that the British minister will recommend the British sailors to observe greater seriousness in future, and not to expend their powder at night, because happily nobody nowadays 'believes in ghosts, nor do they require to make those exercises to prove their skill and military discipline.'"

Mr. Egan to Mr. Blaine.

No. 189.]

LEGATION OF THE UNITED STATES,
Santiago, August 5, 1891. (Received September 26.)

SIR: I beg to say that all of the telegrams which have reached me recently by way of Europe and the transandine route have arrived in such an unintelligible condition that I have been obliged to have them repeated, in some cases two and three times.

The Central and South American Company will be found much more expeditious cheaper and more correct.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 191.]

LEGATION OF THE UNITED STATES,
Santiago, August 8, 1891. (Received October 3.)

SIR: In the month of May an incident occurred in the town of Concepcion of a nature that might have caused unpleasantness, which I am glad to be able to say I have arranged satisfactorily: On the 15th of that month the intendente of the province, together with a number of military officers, was in the dining room of the intendencia, after a banquet, when suddenly the electric light by which the room was lit went out, while the lights in other parts of the city, and even of the intendencia, continued to burn. It is claimed, too, that this was the third or fourth time upon which a similar occurrence took place. By order of the intendente, given without any investigation, all of the persons connected with the electric-light plant were arrested and conducted to the police barracks, among them Mr. Herbert C. Stevenson, one of the proprietors, a citizen of the United States. Mr. Stevenson was placed in irons; that is to say, he had grillos or shackles welded onto his legs. After an hour or an hour and a half detention in this way, the intendente came to the prison to investigate the case, and upon ascertaining Mr. Stevenson's nationality he had the grillos removed and put him at liberty.

As this particular intendente, Señor Salvador Sanfuentes, has not only made very strong threats against some of the foreigners, but has on more than one occasion acted with censurable precipitation towards them, I considered I would be acting in the interest of our citizens residing in that province, and would probably prevent like occurrences in the future, by bringing this case promptly before the notice of the Chilean Government, without waiting for special instructions on the matter from the Department. I accordingly did so, and have obtained from the Government a letter expressing regret at what has occurred, of which I beg to inclose copy and a translation of same. I also obtained from Mr. Stevenson a money payment of 2,000 pesos (\$2,000), with which he is entirely satisfied.

Hoping my action in this matter will meet with your approval,
I have, etc.,

PATRICK EGAN.

[Inclosure in No. 191—Translation.]

Señor Zañartu to Mr. Egan.

REPUBLIC OF CHILE,
MINISTRY OF FOREIGN RELATIONS,
Santiago, 7th August, 1891.

SIR: I refer to your note of 29th of May, ultimo, which was duly received in this ministerio, and to the conferences which were held in regard to the matter, and make it my duty to express to you that the Government regrets the circumstances which occurred in Concepcion during the month of May last in reference to the United States citizen Herbert C. Stevenson; although, on the other hand, same might be explained by the recurrence of incidents in the electric light establishment of Mr. Stevenson which might be considered culpable, and which were calculated to disturb tranquillity at a time when the authorities were devoting all their care to the maintenance of public order.

At the same time, it being the desire of my Government that foreigners should not experience any trouble without previous and complete investigation, I hasten to beg that you will consider what has occurred in Concepcion as an excess of zeal on the part of inferior agents, which in all cases, but particularly in that which is the subject of your communication, the Government will hasten to reprimand.

Renewing to your excellency the assurance of my high consideration,

M. A. ZAÑARTU.

Mr. Egan to Mr. Blaine.

No. 192.]

LEGATION OF THE UNITED STATES,
Santiago, August 19, 1891. (Received November 13.)

SIR: During all of this month active preparations appear to be in progress in the north for an expedition southward, probably in the direction of Coquimbo or Valparaiso, and with the liberal supply of improved arms which the revolutionary forces have received from Germany in the early part of last month, they will be able to make a formidable movement.

In anticipation of the arrival of their friends from the north, the revolutionary element throughout the south are much excited, and various attempts have been made during the past week to blow up bridges and tunnels and to cut the railroad lines to prevent the concentration of troops by the Government.

Yesterday a number of young men of the best families in Chile went out to a chacra, or farm, some nine miles from the city, to form a band of monteneros or guerrillas. During the night they were surprised by

Government forces and thirteen or fifteen of them were shot and eight taken prisoners. These latter, many of them boys of fifteen to twenty years of age, were this morning shot in cold blood and under circumstances of great barbarity. Several other summary executions are reported from other parts of the country, and appearances indicate the near approach of a desperate struggle.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine

No. 193.]

LEGATION OF THE UNITED STATES,
Santiago, August 20, 1891. (Received November 13.)

SIR: For some time two of the most important members of the opposition party, Don Agustin Edwards and Don Eduardo Matte, have been in this legation, because, from threats made against them by supporters of the Government, and even in the official newspapers, they and I had reason to fear that their lives were in danger. Mr. Edwards with his family left some days ago for Callao, under safe conduct specially granted to him by President Balmaceda, but Mr. Matte is still here.

On yesterday the minister of foreign relations, Mr. Zañartu, called unofficially upon Mr. Uriburu, dean of the diplomatic body, and stated to him that the President was much annoyed about the fact that some members of the opposition were in the legations. He made the threat that if they did not leave immediately the Government would be obliged to search the legations, and he particularly referred to this one.

On learning from Mr. Uriburu the full-particulars of this conversation I called at the ministerio and met the sub-secretary, who was in charge. In the course of an informal conversation I referred to the visit of the minister of foreign relations to Mr. Uriburu, and I stated to him that if the Government desired to raise the question of asylum I would be prepared to discuss it on the proper basis and in the most friendly spirit; but that, with regard to the threat to search the legation, it should be distinctly understood that this legation could only be searched by force, and that I would myself shoot the first man that should attempt to enter the legation for that purpose.

To-day I received from the President direct an assurance that there is no intention to search any of the legations, and above all that of the United States.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 194.]

LEGATION OF THE UNITED STATES,
Santiago, August 24, 1891. (Received November 13.)

SIR: On the morning of the 20th instant the opposition forces from the north effected a landing at the port of Quinteros and three other points a short distance north of Valparaiso, with a force of about 10,000 men of all arms, under the command of Col. Canto. The Government rapidly pushed down all the forces they could spare from here to reënforce the Valparaiso division under Gen. Alcarréca, and he, with about 9,000 men, encountered the opposition army at Concon, on the

Aconcagua River, near Viña del Mar, on the morning of the 21st instant, when a desperate battle ensued, resulting in the complete rout of the Government forces with a loss of some 4,000 in killed and wounded, while the losses of the opposition are said to be under 2,000 men.

All mail and telegraphic communication between Valparaiso and here is stopped, but when, on 22d instant, the news of the defeat of the Government forces began to reach here there was the wildest excitement, and it was expected that on that night the victorious troops from the north would arrive. At about 2 o'clock on that day President Balmaceda left the city for Quilpue, where a portion of his forces had taken up a position, and for a time the authorities here seemed to be paralyzed. It seemed as if there was considerable danger of a sack of the city either from the army of the north, which was supposed to be approaching, or from the city mobs, which might at any time break loose.

In this emergency, after consultation with some leading citizens—Don Anibal Zañartu, Don José Tocornal, Don José Bunster, and Don Felice Blanco, and also with the members of the revolutionary committee, I waited upon Gen. Baquedano, accompanied by the four gentlemen named, and suggested, as a means of averting the impending bloodshed and sack, that, in the event of the complete defeat of the Government and with the consent of the authorized representatives of the Government, he should take the command of the forces now in the city, about 2,000 men, and with them preserve the peace of the city until the possession could be duly transferred to the victors. In this way the capture of the city at the point of the bayonet could be avoided and the consequent demoralization and rapine, both before and after the capture. Gen. Baquedano at once accepted the idea. I then communicated my views to Don Manuel Aristides Zañartu, the minister in charge of the Moneda in the absence of the President, and he, too, accepted the idea in the event of the entire defeat of the Government. Since then the situation seems to have improved somewhat for the Government. Their forces have taken up a strong position at Viña del Mar and are being rapidly reënforced by the troops from Concepcion and other points of the south, but they are greatly demoralized after the last defeat, and even the most sanguine of the Government supporters have now but little hope of victory.

Many persons, both Government supporters and oppositionists, have come into this legation for asylum, fearing an outbreak of the city mobs, and among those who have asked for, but not yet availed of, its asylum are the wife and children of the President.

President Balmaceda is now with the army and it seems almost certain that another and a terrible battle may take place at any moment.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, August 27, 1891.

Mr. Egan telegraphs that the revolutionists were victorious in a fierce battle near Valparaiso last Friday and that a decisive engagement was expected on the day of the sending of his telegram. He states that there is no communication between Valparaiso and Santiago and says it is

very important that he be informed by telegraph of any early reliable news which the Department might receive. Thinks it may be possible to stop further bloodshed.

Mr. McCreery to Mr. Blaine.

[Telegram.]

CONSULATE OF THE UNITED STATES,

Valparaiso, August 28, 1891.

Battle fought near city this morning; Government forces badly beaten and demoralized; heavy losses both sides; city surrendered to opposition, but in hands of admirals American, German, French, and English fleets for good order; no communication with Santiago; opposition forces now entering city.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,

Washington, D. C., August 29, 1891.

Mr. Wharton informs Mr. Egan that he has received from the consul at Valparaiso a telegraphic communication dated the 28th instant reporting that both sides lost heavily in the battle fought on that morning near Valparaiso and that the Government forces appear to be demoralized; the commanders of the foreign fleets have assumed control to prevent disorders, but the city has surrendered to the opposition, whose forces are now entering it; and that communication with Santiago is cut off. He instructs him to report through Buenos Ayres.

Mr. McCreery to Mr. Blaine.

[Telegram.]

CONSULATE OF THE UNITED STATES,

Valparaiso, August 30, 1891.

Balmaceda has turned over Government to Baquedano and fled. Caño goes Santiago to-night to assume control until arrival of Junta from Iquique. Good order here. Prominent members opposition anxiously awaiting recognition United States.

Mr. Egan to Mr. Blaine.

No. 195.]

LEGATION OF THE UNITED STATES,

Santiago, August 31, 1891. (Received November 13.)

SIR: In the conviction that the cause of the Government was lost, and to prevent, if possible, more bloodshed, I conferred with the minister plenipotentiary of France as to the possibility of prevailing upon

President Balmaceda to make terms with the opposition leaders on the basis of his immediate resignation. The French minister had a conference with the President on the matter on the morning of the 26th, when President Balmaceda seemed to receive the suggestion very favorably, and promised to communicate his decision between 3 and 4 o'clock of that day, but as he did not do so we were obliged to abandon the attempt.

On the 27th instant, fearing a battle that day, I forwarded a telegram requesting the earliest possible information, as I had hopes that it might be possible to prevent a final struggle here, it being understood that with the troops in Santiago the President would, in case of defeat at Viña del Mar, make his last stand.

On the 28th was fought at Placillas, near Valparaiso and Viña del Mar, another sanguinary battle, in which the Government forces, amounting to about 9,000 men, were again completely routed, with the loss of about 2,000 in killed and wounded; the two generals in command, Alcarréca and Barbosa, and their staffs, and many of the principal officers killed, while the losses of the opposition forces did not exceed 600 in killed and wounded. The defeat of the Government forces in this fight, as well as at Concon, was caused—

First, by superior generalship on the side of the opposition forces;

Second, by the superiority of the new Männlicher rifle, with which the opposition troops were armed; and

Third, by defection and treason on the part of several of the officers of the Government troops.

The true result of the battle only became known outside of the President and some two others, at close to midnight on the 28th, and then the excitement was intense. I immediately went to the Moneda at midnight, saw Señor Manuel A. Zañartu, minister of foreign relations, and from him received the confirmation of the news and the assurance that the arrangement referred to in my dispatch No. 194, to hand the charge of the city over to Gen. Baquedano, would be carried out, and that President Balmaceda was at that moment writing his decree to that effect, and his resignation. At about 3 o'clock on same night the wife of the President, his three daughters and two sons, came to this legation for asylum, and are still here, but will leave to-night. All that night and next day numbers of prominent Government supporters, including ministers of state, senators, deputies, judges, and others, sought asylum with their families in this and other legations; and I have now in my house about eighty refugees. The only legation which closed its doors and denied asylum was that of England, which refused to admit a single person. The Spanish legation has about the same number of persons that are here, and the French, the German, the Argentine, and the Brazilian legations have each more or less people.

In the morning of 29th, at 8 o'clock, was publicly read the resignation of President Balmaceda and the temporary transfer of authority to Gen. Baquedano, copy of which I inclose (Inclosure 1), and the general at that hour took charge of the Moneda. I inclose copy of his official announcement of the temporary transfer of authority to him (Inclosure 2) and copy of my reply thereto (Inclosure 3).

As soon as the news got out through the city the military and police became greatly demoralized; the latter, about 1,000 men, dissolved and absolutely disappeared with their horses and arms, and most of the military officers abandoned their posts, leaving their men without direction.

By 10 o'clock in the morning, mobs began to collect, and very soon

began the most desperate attacks on the houses and property of all the prominent supporters of the late Government. This sack was not a spontaneous outburst, but the result of a carefully organized plan, carried out under regular gangs, commanded by recognized leaders, each gang having a regular list of houses to be sacked. It was originated by the more extreme sections of the revolutionary element, but I am quite sure without the knowledge of the responsible leaders of the movement. The sacking continued nearly all the day. The palatial residences of Don Claudio Vicuña, who had been President-elect; of Don Adolfo Eastman, president of the Senate; Don Juan E. MacKenna, vice-president of the Senate; of Don Eulogio Allendes, president of the House of Deputies; of the mother of President Balmaceda; of Gen. Gana, commander-in-chief of the army; of Don Adolfo Ibañez, Ruperto Ovalle, Alfredo Ovalle, Guillermo MacKenna, and the houses of numerous others, in all numbering about two hundred and fifty, were completely gutted, all the furniture and valuables destroyed or carried away, and in most cases even the doors and windows of the houses carried off. The loss inflicted by this wanton destruction can not be less than some five millions of dollars, and the lives of the proprietors would also have paid the sacrifice had they not sought asylum in the legations and other places of safety.

Towards evening Gen. Baquedano, with the aid of the members of the revolutionary committee here, was able to reorganize the troops and put a stop to any more destruction. Yesterday, Sunday, everything was quiet, and now all danger of further disorder appears to have passed over.

Having so many prominent refugees, and especially the family of the ex-President, I considered it prudent to ask for special protection, and I have now a guard of ten soldiers at the legation supplied to me by the authorities.

I have etc.,

PATRICK EGAN.

[Inclosure in No. 195.—Resignation of President Balmaceda and proclamation of Gen. Baquedano.—
Translation.]

SANTIAGO, August 29, 1891.

GREGORIO CERDA Y OSSA,

Intendente of the Province:

Whereas his excellency the President of the Republic has decreed the following:

Considering that in resisting the armed revolution initiated by the squadron the 7th of last January, I have fulfilled the elemental duty of maintaining the principle of authority without which no government is possible;

That my patriotism and duties as a Chilean place bounds upon my efforts, since it is not the part of an honest ruler to prolong a struggle which has no reasonable prospect of success;

That the fortune of arms not having been favorable to the cause which I sustain in the last battle of Valparaíso, I have resolved to terminate a contest so injurious to the credit of the Republic and to the general welfare;

That Gen. Manuel Baquedano be placed at the head of the Provisional Government, and that therefore all chiefs, officials, and soldiers, intendentes, governors, and other functionaries yield him respect and obedience.

Let the same be published and communicated by telegraph.

BALMACEDA.

MANUEL A. ZAÑARTU.

Given in my office this 29th day of August, 1891.

CERDA Y OSSA.

MIGUEL ARTURO ZAÑARTU.

SANTIAGO, August 29, 1891.

I accept provisionally the charge conferred upon me for the preservation of public order.

Let this acceptance be published by proclamation in the capitals of all the provinces and departments, and in the *Diario Oficial*.

MANUEL BAQUEDANO.

PROCLAMATION.

SANTIAGO, August 29, 1891.

The Provisional Government organized to represent the sacred right of the nation hopes that the people of Santiago will preserve all the forms of the most profound respect for public order.

The enemies of yesterday must have to-day from every good Chilean greater consideration than ever.

A regular and final government will shortly be constituted.

It is in moments like these, so solemn for the Republic, that men who have fought in defense of liberty should preserve the greatest respect for the constituted authorities and for the law.

Be assured that full justice will be done to all.

MANUEL BAQUEDANO.
ALVARO COVARRUBIAS.

[Inclosure 2 in No. 195.—Translation.]

Gen. Baquedano to Mr. Egan.

SANTIAGO, August 29, 1891.

SIR: I have the honor to inform your excellency that early in the forenoon of to-day the President of the Republic has resigned his office and confided to me the command of the forces of this capital.

I have accepted the charge in compliance with my duties as citizen and soldier with the resolution to assist all within my power to respect the law of persons and property, being confident also that the inhabitants of Santiago, in whose name I have the temporary authority to act, will contribute with all their zeal and patriotism to surmount this most trying situation created by the sudden fall of the existing power.

Therefore, your excellency may invite your countrymen to return to their ordinary duties with the confidence that they will have in connection with the sympathy of the inhabitants of the capital, the special protection of the Provisional Government, and that in the painful conflict suffered by the Republic which to-day is happily terminated, the friendly relations of Chile with the power your excellency so worthily represents in Santiago have not been disturbed.

Would your excellency be pleased to receive and also transmit to your Government this official communication of the events which have taken place and of the temporary power invested in me, the assurance that the interests of foreigners will not suffer thereby, and that the reestablishment of the constitutional and regular regimen will strengthen the guaranties conferred by the laws of the Republic in equal form to natives and foreigners.

With this motive, I congratulate myself in expressing to your excellency the sentiments, etc.

MANUEL BAQUEDANO.
ALVARO COVARRUBIAS.

[Inclosure 3 in No. 195.]

*Mr. Egan to Gen. Baquedano,*LEGATION OF THE UNITED STATES,
Santiago, August 31, 1891.

SIR: I have the honor to acknowledge the receipt of your attentive note dated 29th instant, informing me that the President of the Republic had on that morning resigned his position, and that he had conferred upon you the command of the forces in this capital, which charge you had accepted with the intention of aiding with your best efforts to maintain respect for the law, for persons, and for property;

and further expressing the assurance that I could invite my fellow citizens to return to their ordinary occupations in the confidence that, together with the sympathy of the people of the capital, they would soon have the special protection of the provisional government; and that in the sad conflict, now happily terminated, the good relations of Chile with the power I represent have not been disturbed. v 30008

In compliance with the request conveyed in your note I shall immediately communicate to my Government those important events.

Assuring you of the most cordial sympathy and aid of my fellow-citizens in Santiago in the patriotic task which you have so nobly undertaken, and begging you to accept the expression of my distinguished consideration,

I have, etc., etc.

PATRICK EGAN.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 1, 1891.

Mr. Wharton instructs Mr. Egan to send at once by cable a full statement of the condition of affairs now existing.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 1, 1891.

Mr. Egan telegraphs that the revolutionists were entirely successful in a decisive battle fought at Valparaíso on the 28th of August; that Balmaceda resigned the next day, and that the revolutionists were now fully installed. He asks whether he can recognize the new government, and states that everything is tranquil.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 4, 1891.

Mr. Wharton acknowledges receipt of Mr. Egan's telegram of the 1st instant, announcing the installation of the congressional party and the resignation of Balmaceda, and instructs Mr. Egan to recognize the Government and open communication with its head, if one has been formed by the congressional party which is accepted by the people.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 7, 1891.

Mr. Egan to Mr. Wharton.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 7, 1891.

Mr. Egan states that he is in cordial communication with the Provisional Government, established on the 4th instant, with Jorge Montt as President, and that the Government is universally accepted by the people.

Mr. Egan to Mr. Blaine.

No. 197]

LEGATION OF THE UNITED STATES,
Santiago, September 7, 1891. (Received November 13.)

SIR: On 1st instant, as soon after the fall of the Government of President Balmaceda as the telegraphs began to operate, I forwarded telegram, conveying information of the situation. I received on 3d instant the telegram dispatched by you on the 29th instant.

After the battle of Placillas, referred to in my last dispatch, such members of the Junta de Gobierno as had accompanied the expedition from the north, together with the leaders of the army and about 5,000 of the northern troops, came to Santiago.

On 4th instant the Provisional Government forwarded to this legation by note from Don Isidoro Errazuriz, secretary of foreign relations, a communication informing me of its constitution and location in the capital of the Republic, of which I inclose translation, marked No. 1.

On the 5th instant I received your telegram of the 4th, instructing me that if a government had been formed by the congressional party which was accepted by the people to recognize it and open communication with its head.

Such a government having been formed, and it being undoubtedly accepted by the majority of the people, I lost no time in addressing to Señor Errazuriz, in reply to his communication, a letter of recognition, of which I beg to send copy, marked No. 2, and to-day I have forwarded telegram informing you of this fact.

My relations with all of the members of the new Government are entirely cordial.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 197—Translation.]

Señor Errazuriz to Mr. Egan.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, September 4, 1891.

SIR: I have the honor to inform your excellency that, the entire country being now under control of the legal authority, the honorable Government Assembly, over which presides the Hon. Jorge Montt have now fixed their residence in the capital of the Republic.

Therefore this department takes pleasure in informing your excellency that the Provisional Government will continue to be presided over by captain of the national navy, Hon. Jorge Montt; vice-president of the Senate, Hon. Waldo Silva; and president of the House of Representatives, Hon. Ramon Barros Luco; and the honorable gentlemen Manuel J. Irarrazabal, Joaquin Walker Martinez, Col. Adolfo Holley will discharge the duties of secretaries of the departments of the interior and public works, finance, war, and marine, respectively; the undersigned being in

charge of the departments of foreign affairs, worship, justice, and public instruction.

In informing your excellency of the reestablishment of the legal powers of the Republic, I have the honor to manifest to you in the name of the honorable Assembly that it will be their constant aim to cultivate with you the frankest relations that the Chilean nation is called upon to maintain towards the Government of the United States of America, assuring your excellency for my part it will be an honor to faithfully interpret the sincere wishes and good feeling of the Provisional Government of the Republic toward the worthy Government which your excellency represents.

With sentiments of deepest consideration, I have the honor to subscribe myself,

Your obedient servant,

ISIDORO ERRAZURIZ.

[Inclosure 2 in No. 197.]

Mr. Egan to Señor Errazuriz.

LEGATION OF THE UNITED STATES,
Santiago, September 5, 1891.

SIR: I have the honor to acknowledge the receipt of the attentive note of your excellency of yesterday's date, informing me that the entire country being now under the legal regimen of the Exma. Junta de Gobierno, under the presidency of Hon. Jorge Montt, has fixed its residence in the capital of the Republic; that in consequence the Provisional Government of the country will continue to be presided over by a Junta de Gobierno composed of captain of the national marine, Hon. Jorge Montt; the vice-president of the Senate, Hon. Waldo Silva, the president of the Chamber of Deputies, Hon. Ramon Barros Luco; of Hon. Manuel J. Irarrazabal, Hon. Joaquin Walker Martinez, and Colonel Adolfo Holley, who discharge the duties of secretaries of the departments of interior and public works, treasury, and war and marine, respectively; and of your excellency in charge of the departments of foreign relations and public worship, and justice and public instruction.

In conveying to the honorable Junta of the Provisional Government the cordial recognition of the Government of the United States, which I am duly authorized to do, I beg to convey to your excellency my sincere congratulations upon the reestablishment of the internal peace of the country, and to ardently reciprocate the desire which your excellency expresses for the maintenance of the kindest relations between our respective nations. To me it will be always most grateful to aid in every way to cultivate those kindly feelings and to use my best endeavors to draw more closely together in the bonds of mutual respect and friendship the sister Republics of Chile and the United States.

Availing of this occasion to convey the assurance of my distinguished consideration,

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 198.]

LEGATION OF THE UNITED STATES,
Santiago, September 7, 1891. (Received November 13.)

SIR: After the battle of Placillas a number of the Government supporters, including Don Claudio Vicuña, Don Domingo Godoy, Don Julio Bañados Espiñosa, Admiral Viel, and a number of others, in order to save their lives, which certainly would have been sacrificed, took refuge on board the German and United States ships of war. The French ships, on account of lying far out in the bay did not receive any, and the English ships refused to take on board some of the refugees who went alongside. There has been much agitation on the part of the new authorities respecting those refugees, and I have been approached, informally, to find whether those on the *Baltimore* and *San Francisco* would be delivered up to the authorities, on guaranties being given that their lives would be secure, to which I replied, also informally, that the Government of the United States has never consented, and can not consent, to surrender from on board one of its ships a refugee charged only with a political offense. The German minister, Baron

von Gutschmid, on the other hand, intimated his willingness to consent to the surrender of those on board the German ships, getting guarantees for the safety of their lives; but the German admiral has refused, on any condition, to surrender them, and I learn that the German Government has fully approved his action in the matter. The *Baltimore* sailed on the 4th instant for Mollendo in Peru to land there all of those who took refuge on her and on the *San Francisco*, and the German admiral will send all of those on board of his ships to the same port.

From Don Domingo Godoy and Don Julio Bañados Espiñosa, both ex-ministers of state, who went away on the *Baltimore*, I have received letters requesting me on behalf of all of the refugees on board to convey to the Government of the United States, to Rear-Admiral Brown, and to the officers of the *San Francisco* and *Baltimore* their eternal gratitude for the noble, generous, and fraternal hospitality extended to them during their stay on board of those ships. Don Julio Bañados Espiñosa writes:

The life which I preserve for my children and for my country I owe to the chiefs of the North American squadron. Through you, as representative of that Republic, the most free, the most humanitarian, the greatest on earth, I give thanks from the bottom of my grateful heart. During life I shall bear testimony that I owe my salvation to the Navy of the United States, a navy which reflects in its brilliant sword the glories of heroism and the virtue of generosity which characterize valor and nobility.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 199.]

LEGATION OF THE UNITED STATES,
Santiago, September 10, 1891. (Received November 13.)

SIR: Since the access to power of the new government there has been considerable discussion as to whether it should recognize liability for the three issues of paper money made by the late government, amounting in all to about twenty millions of pesos, the first twelve millions of which was issued at the special solicitation of the leading banks of the country.

Finally, it has been decided by the Provisional Government to recognize those issues, and this wise step will do much to restore commercial stability and public confidence.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 201.]

LEGATION OF THE UNITED STATES,
Santiago, September 16, 1891. (Received November 13.)

SIR: I have the honor to report that to-day I received a note from the Provisional Government informing me that Señor Don Agustin Edwards had been appointed and had entered upon the duties of minister of industry and public works, and Don Manuel A. Matta of minister of foreign relations, public worship, and colonization.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 202.]

LEGATION OF THE UNITED STATES,

SANTIAGO, *September 16, 1891.* (Received November 13.)

SIR: I have the honor to state that a decree has been issued by the provisional government ordering an election of members of the Senate and House of Deputies and of Presidential electors, to take place on the 18th October next, and it has fixed the 26th of December next as the date of inauguration of the President who shall be elected.

Up to the present there is absolutely no certainty as to who will be chosen for the Presidency, but from the most reliable information I can gather I am led to believe that the conservative or clerical party, although now feeling quite confident of a majority in the Chamber of Deputies, will not be able to elect more than about thirty out of ninety-four members, and that in the Senate of forty-one members they will not have over six adherents.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 203.]

LEGATION OF THE UNITED STATES,

Santiago, September 17, 1891. (Received November 13.)

SIR: Since the unfortunate incident of the *Itata* the young and unthinking element of those who were then in opposition to the Government have had a bitter feeling against the United States, and the English element, as has always been their custom in this country, do all in their power, from motives of self-interest, to promote and foster this feeling. The more reasonable men of the party in power, on the other hand, admit that a mistake was made on the part of some of those who, on their behalf, were responsible for that transaction, and that the United States could not consistently have taken any other course than the one she adopted. Mr. Isidoro Errazuriz, when acting as minister of foreign relations, two weeks ago, so stated to me without reservation.

The hostile element, however, has let no opportunity pass of misrepresenting and vilifying everything pertaining to the United States. In a series of articles recently published by Señor Don Ismael Valdés Vergara, who acted as secretary of the army of the north, and which will in the future be accepted as a reliable history of the struggle, he states that on the day of the landing of the northern army at Quintero, the 20th of August, the *San Francisco* went to that bay and from there carried back most important information to the Government authorities at Valparaíso.

Rear-Admiral Brown addressed to me a letter, of which I inclose copy in print (Inclosure No. 1), conveying his distinct denial of the odious charges.

In order to counteract the slanders I gave Admiral Brown's letter to the press, and I considered it my duty to bring the matter to the notice of the minister of foreign relations, which I did in a letter, copy of which I inclose, marked No. 2. I considered it well to take this step in order to put properly on record the denial of Admiral Brown.

I have, etc.,

PATRICK EGAN.

[Inclosure No. 1 in No. 203.]

Rear-Admiral Brown to Mr. Egan.

OFFICIAL DENIAL OF A GRAVE RUMOR.

Referring to the unfounded rumors which gained currency in regard to the visit of the United States cruiser *San Francisco* to Quinteros on the 20th ultimo, Admiral Brown, of the United States Navy, has addressed the following letter to the United States minister in Santiago, Mr. Patrick Egan:

U. S. FLAGSHIP *SAN FRANCISCO*,
Valparaíso, Chile, September 8, 1891.

MY DEAR MR. EGAN: I am in receipt of your note of yesterday in regard to the slanderous articles which have appeared in several of the newspapers relative to my going in this ship to the vicinity of Quinteros on the afternoon of the 20th ultimo. I have to say that under ordinary circumstances I would consider it beneath my dignity as an officer of the United States Navy to notice, even in this unofficial way, such charges as are made. However, I will give you in a brief way a circumstantial statement of the events of that day. As was my usual custom, I went on shore in citizen's dress for a walk at about 9:30 a. m., and meeting a Government officer who spoke English I asked him if there was any news. He replied at once, "Yes, the opposition have made a landing at Quinteros."

In order to verify this statement or disprove it, I went at once to the office of Admiral Viel, and he gave the particulars of the landing. He said that at early daylight the report reached him, by telephone from the Valparaíso light-house, that a large number of ships were entering Quinteros bay, and at 7 a. m. he received a telegram from Quinteros reporting that the opposition were there and were making a landing. This telegram gave the names of the men-of-war and stated that there were five transports and three or four small steamers in the expedition. This was not held as a secret, for every one on the streets of Valparaíso knew of it as soon as I. Admiral Viel told me that the advance of the opposition would be contested by a large force of the government troops and that the battle would be fought near Quinteros. I came afloat and informed the German Admiral, Valois, and the senior British officer, Captain St. Clair, of my intention of going to Quinteros, and at the same time I would take an officer from their ships if they desired to send one. I reached Quinteros Bay at about 2:30 p. m., and seeing no evidences of a battle came back to this port, where we anchored at about 5 p. m. I sent an officer on shore with a cablegram which he had to take to the intendencia to be approved.

My message to the Secretary of the Navy was in code, so no one knew of its purport. The officer who went on shore told me that every one knew that the opposition had reached the Aconcagua River. In fact, he obtained more information than I had. All I knew was that a landing had been made and that no fighting had taken place within sight of the ships. No information was given by me of what I had observed, and the crew of the boat which went on shore were cautioned not to answer any questions. On the afternoon of the 29th ultimo, I called, in uniform, on Admiral Montt and Colonel Holley and renewed an acquaintance with them which had been made at Iquique. I was cordially received by both of the gentlemen. At that time I explained to Señor Montt all the facts connected with my visit to Quinteros.

I heard that it was said that a Chilean official went with me to Quinteros. To this I say officially that no one except the German officer, other than those belonging to my ship, were on board at that time.

Yours, very truly,

GEORGE BROWN,
Rear-Admiral, U. S. Navy.

[Inclosure No. 2 in No. 203.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
SANTIAGO, September 17, 1891.

SIR: In view of the scandalous charges that have been publicly directed against Rear-Admiral Brown, of the United States Navy, over the signature of Señor don Ismael Valdés Vergara, in a series of articles entitled "Relación sumaria de la última campaña del Ejército Constitucional, escrito por un testigo i actor," to the effect that Admiral Brown, on the date of the landing of the army of the north at Quinteros,

the 20th August, went to that port in the United States cruiser *San Francisco* for the purpose of making observations, or, in other words, spying, in order to communicate information to the Government authorities in Valparaíso, I beg to inclose for the information of your excellency three copies in print of the translation of a letter addressed to me by Rear-Admiral Brown, in which he states exactly what he did on that day and conveys his denial of the odious charges made against him.

In addition to Admiral Brown's statement, I may say that I am in possession of evidence that the information which Señor Valdés Vergara charges the *San Francisco* with conveying to the Valparaíso authorities at 5 o'clock on the evening of 20th August was actually in their possession in the early morning, and was by them transmitted to Concepción, in the south, and Coquimbo, in the north, before 10 o'clock a. m. of the same day.

It is to be regretted that charges of this nature, calculated to weaken the cordial feelings of friendship which should unite our peoples, should be so recklessly made, and I feel it a duty to the honor of the United States Navy and to the dignity of our flag to place on record, through the medium of your excellency's ministry, this clear and distinct denial of Admiral Brown.

With the assurance of my distinguished consideration and esteem, I have the honor to remain,

Your excellency's obedient servant,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 21, 1891.

Ex-President Balmaceda committed suicide in Argentine legation here 19th. Everything tranquil.

EGAN.

Mr. Egan to Mr. Wharton.

No. 204.] LEGATION OF THE UNITED STATES,
Santiago, September 21, 1891. (Received November 13.)

SIR: As stated in my telegram of this date, Ex-President Balmaceda, who had taken refuge on the night of August 28 in the Argentine legation, committed suicide there on the morning of 19th instant under very sad circumstances.

I send inclosed a printed translation of a letter which he left for Señor Uriburu, the Argentine minister, in which he fully explained his reasons for the terrible deed which he was about to commit.

I have, etc.,

PATRICK EGAN,

[Inclosure in No. 204.—Translation.]

Ex-President Balmaceda's last letter.

SANTIAGO, September 19, 1891.

SR. DON JOSÉ DE URIBURU.

MY BELOVED FRIEND: In reference to the matter which we recently discussed, I have decided to put an end to the tragical situation in which I find myself placed.

I do not feel qualified in further prolonging my stay in the generous asylum you have afforded me, which act on your part I recommend to my friends as the greatest service I have received during the whole of my life.

The bitter enmity of my adversaries, should they discover my place of retreat, is capable of being carried to such extremes that, to avoid it, I have determined to impose upon myself the greatest sacrifice of which a man of honor is capable.

I must beg you to understand that I have thrown aside all idea of attempting a vulgar escape, for the dual reason that, in my estimation, such conduct would be undignified in a man who has ruled the destinies of Chile and that it would imply some justification of the victorious revolution.

For these reasons, I should have spontaneously decided to place myself at the disposition of the Governmental Junta, intrusting myself to the protection of the constitution and the law.

But the chiefs and officers of the army, the senators and deputies, the municipal and judicial authorities, and all the public officials are accused and prosecuted, imprisoned, or fugitives, and unhappy I alone am left to submit our cause to a court composed of special judges, who are partisans of the revolution, to answer with our persons and belongings for all the actions of the Government. I have lost all hope that a Government that is arbitrary in form will work with justice.

Considering the spirit and tendency of the revolutionary government, I feel unable to prolong my stay in the refuge for which I am indebted to you, the which debt I can never repay. God grant that my sacrifice may relieve my friends from the persecutions which have caused me such deep pain and sorrow.

The mantle of pity has been thrown over the man whose fate it has been to fall into misfortunes. May blessings attend you and your saintly wife, and I hope that my children will ever add their blessings to mine.

Entreat Arrieta and those of my family circle to see the works of mercy are carried out without ceremony or useless display.

I pray that you, your wife, and my sons may ever enjoy every happiness.

Yours,

J. M. BALMACEDA.

P. S.—I count in any case on your discharging the trust committed to your care last night, which concerns the persons of whom you are aware. Farewell.

The authenticity of this letter is attested by the following gentlemen: José E. Uriburu, J. Arrieta, Baron Gutschmidt, Enrique de Barros Cavalcanti de la Cerda, José M. Barcelo, Carlos Lira, Melchor Concha y Toro, J. Joaquin Aguirre, C. Walker Martínez.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 24, 1891. (Received September 25.)

Mr. Egan states that all officials of the late Government (including the ministers, senators, members of Congress, and judges) would be prosecuted criminally. This had been resolved by the Government. Seven ministers and twelve other refugees are in the legation. Intimation has been given Mr. Egan that he was expected to terminate the asylum and send the refugees out to be prosecuted. To do so would be to sacrifice their lives, and Mr. Egan has taken stand that he will permit them to go out of legation only under proper safe conduct to neutral territory. On account of *Itata* and other questions bitter feeling is being fomented by Government supporters against Americans. Secret police surround the legation, with orders to arrest strangers visiting it. Two of Mr. Egan's servants had been arrested and were now in prison. Against this disrespect to the legation Mr. Egan addressed a firm protest to the minister for foreign affairs.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 25, 1891. (Received September 26.)

Mr. Egan states that no reply had yet been received to his protest. During the last two days twenty persons, some of whom were Americans, had been arrested for entering the legation, and others had been

prevented from entering by warning of the police. All this is intended to force him to drive out refugees which, he states, he will not do without instructions. He has addressed a second note to the minister for foreign affairs requesting [an explanation of] such very extraordinary, unjustifiable, and offensive conduct, which is strongly condemned by a large majority of the serious public men.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 26, 1891.

Mr. Wharton instructs Mr. Egan, by direction of the President, to insist firmly that the respect and inviolability due to the minister of the United States and to the legation buildings, including free access, shall be given and observed, fully and promptly, by the Chilean authorities. The Government of the United States is prepared to consider in a friendly spirit the question as to whether asylum has under the circumstances been properly given to the persons now at the legation when the facts are more fully before it; but it can not allow to pass without a firm protest the evidence of disrespect towards its minister which Mr. Egan reported. It is expected that this protest will be followed by prompt action on the part of the authorities of Chile. The Department expects to be fully advised of the progress of events.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 26, 1891.

Mr. Egan is instructed to report to the Department the names of the refugees in his legation, and the offices they have filled; the crimes they are accused of and whether process from any regular tribunal has issued against them. He is also directed to report the conduct of the ministers of other countries, whether persons have taken refuge in their legations, and, if so, the action of the Chilean Government respecting them; and to promptly and fully inform the Department of all facts.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 27, 1891. (Received September 28.)

Mr. Egan acknowledges the receipt of two telegrams from the Department, and states that since yesterday no more arrests have been made, but the espionage by the police was still kept up. In the matter of

asylum, Mr. Egan says he has acted strictly in the spirit of the Department's instructions in the Barrundia affair. Three notes have been received from the minister for foreign affairs, in which he charges that the refugees had abused the right of asylum, and for this reason defends action towards legation. Mr. Egan has informed minister that the charge is absolutely and entirely unfounded, and has asked for safe conduct for refugees. Similar requests had been made by him two weeks previous informally, but orders were given that all persons leaving the legation should be arrested, and many persons were thus obliged to procure passports to visit the legation. The names of the refugees and the offenses charged (none of them being charged with common crimes), are as follows: Gana, responsibility as the commander-in-chief of the army and as minister and senator; Ibañez, Mackenna, Cruzat, Valdezcarerra Mackenna, as ministers and senators; Ricardo Vicuña and Ovalle, senators; Cotapos, member of Congress; Camus and Pintoagüero, officers of the army; two sons of Cotapos and Pintoagüero, no office. Spanish minister has asked for safe conduct for five persons in his legation. Safe conduct was immediately granted to two officers of the army who entered English legation. Refugees are also in German and other legations. Process commenced after asylum was granted, and minister of foreign affairs fully recognized the correctness of Mr. Egan's action. The rights and dignity of the legation, Mr. Egan says, he shall firmly maintain.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 28, 1891. (Received September 29.)

Mr. Egan states that he has not yet received a reply to his note of the preceding Saturday denying charge of conspiring made against the refugees, and requesting safe conduct, and that there were no new developments.

Mr. Egan to Mr. Blaine.

No. 205.] LEGATION OF THE UNITED STATES,
Santiago, September 29, 1891. (Received November 13.)

SIR: As stated in my dispatch No. 195, of 31st of August, when it became known that the forces of President Balmaceda had been routed at Placillas, and his government overthrown, all of the prominent supporters of his administration, including ministers of state, senators, deputies, judges, army officers, and others, were obliged, in order to save their lives from the fury and vengeance of the successful party, to seek asylum in the legations and other places of safety.

Of about eighty who then sought shelter in this legation nineteen remained until last week, which number has since been reduced to fifteen.

As soon as the provisional government was organized I made overtures, informally, through Don Eduardo Matte, a very prominent leader of the liberal party; and through Don Agustin Edwards, minister of industry and public works in the present cabinet, both of

whom had themselves been refugees in this legation during the last administration, to obtain safe-conducts for all of the persons to leave the country. After some negotiations I learned that on account of the political situation and the bitter personal hatred against many of those in the legation, as also on account of the determined opposition of one or two members of the Junta de Gobierno, it would not at present be possible to secure passports, but I was assured that after a very short time the matter could be arranged in a friendly manner.

In this way matters stood up to the 22d instant, when the intendente or governor of the province called upon me and in a personal and friendly way told me that there was some excitement in Government circles in regard to the refugees in my legation, as it was said they were engaged in some kind of conspiracy against the present Government, which report he said he did not believe for a moment; in fact that he had laughed at it, but that, as a matter of precaution, I ought to intimate to the persons in the legation not to permit so many visitors to call upon them. This I assured him I would do, and I did immediately do so, and from thence onward the refugees took occasion to request the members of their families and some immediate friends who had been calling upon them, to discontinue their visits.

Next day, however, I found that the legation was surrounded by police agents; all persons who attempted to come in or go out were arrested and conducted to the intendencia, or to the police headquarters, at San Pablo, and two of my men servants, having in their possession cards certifying that they were servants of the legation, were arrested and detained in prison. I went in person to the minister of foreign relations and, in the absence of the minister, complained to the sub-secretary, who promised to bring the matter to the attention of the minister at the earliest moment possible.

As the arrests continued during the day I addressed a note to the minister of which I inclose copy, marked No. 1, protesting firmly against the continuance of this condition of things and expressing the confidence that the honorable minister would at once make the necessary order for its discontinuance. This note was delivered at the ministerio early on the morning of the 24th instant. Notwithstanding this the same course was pursued during the day. I then dispatched a telegram giving the Department information on the situation.

Still believing that this course of action might be the result of excess of zeal on the part of some minor official, I, on the morning of the 25th instant, conferred with some close friends of the Junta de Gobierno, who said they would at once make strong representations to the Government and have this condition of things discontinued. Still the arrests went on throughout the day without any discrimination, and the police agents even went so far as to warn persons outside of the legation that if they entered they would be arrested on going out. At 5 o'clock in the evening, not having yet received any reply to my note delivered on the morning before, I addressed a second note to the minister of foreign relations, as per copy marked No. 2, giving a list of some twenty persons arrested during the two days, including one American citizen and two ladies, solely because they had gone out from the legation, requesting that this course be discontinued, and stating that I was awaiting instructions from my Government.

On the same evening I sent to you a second telegram.

On the morning of the 26th instant I addressed a third note to the minister, conveying, without comment, a complaint in writing from Mr. W. E. Raycraft, a United States citizen, that he had on the previous

day been arrested and taken to the police headquarters, solely because he called at the legation for his correspondence. I inclose copy of this note with copy of Mr. Raycraft's letter attached, marked No. 3.

From the morning of 26th instant, owing no doubt to the receipt of my communication of 25th instant, the arrests have been discontinued, and there is now no inconvenience inflicted on the legation beyond the fact that the house is still watched by the police agents.

In the course of the day of 26th instant I received from the minister three notes, of which I inclose translations marked 4, 5, and 6. In all of those notes the minister of foreign relations maintains the right of the local authorities, supported by the national authority, to continue to act in the same manner in which they had been acting, and he attempts to justify the course adopted by charging that the refugees had abused the right of asylum by conspiring, or appearing to conspire, against the present order of things, and by having made the legation a focus for such conspiracy; and in regard to the arrest of the United States citizen, Mr. Raycraft, he says he "did not consider this fact deserving of comment or discussion, and that it was only a necessary consequence of the anomaly of the presence and of the notorious conduct of those who were abusing the diplomatic asylum."

I may here state that these charges, or rather suspicions, of conspiracy against the refugees are not only unfounded, but in view of the total defeat of the army of President Balmaceda, the demoralization and dispersion of his following, military and civil, and the suicide of the ex-President himself, they might well be considered ridiculous.

I fully replied to those communications in two notes of same date, copies of which I inclose, marked 7 and 8, in which I denied that there could be any grounds for the charge or suspicion of conspiracy, giving my reasons for such denial, and soliciting for all of the refugees safe-conducts to leave the country, which request I had already made informally. I also protested against the continuance of a course of action that would make the house of this legation appear as in a state of siege, or that would inflict petty annoyances from day to day upon the visitors or upon those to whom it had, as the minister was good enough to admit, legitimately extended asylum.

On the next day, the 27th, I had the honor to receive your telegram, conveying, in the name of the President, instructions which I am gratified to observe correspond with the course I had followed. I also received a second telegram, asking for the names of the refugees in the legation, together with particulars of the crimes with which they are charged, the offices they held, and other information, to which I replied same day by telegram, giving the list, from which I find I omitted the name of Señor Casanova, ex subsecretary of marine.

As stated in my telegram of 24th instant, the Provisional Government has determined to prosecute criminally all of the ministers, senators, deputies, judges, municipal authorities, and other civil officers, and all of the army officers of the late Government from the grade of captain upward, on the ground that since 1st January last they had been acting in violation of the constitution of the country. Under this decision, if fully carried out, although I do not believe it can or will be, there would be nearly ten thousand prosecutions, and already there are a large number in prison on such charges in various parts of the country.

The persons in this legation would fall under these prosecutions, and at least one of them, Gen. Gana, because, as commander-in-chief of the army, he approved the sentence of death on four young men who de-

serted from Valparaiso, taking with them a Government torpedo launch; upon two sergeants charged with treason, and upon a gentleman of good position in Valparaiso, charged with having made arrangements to blow up with dynamite some of the ships of the Government, would almost certainly be condemned to death and shot. Owing to the state of public excitement the lives of some of the others would also be in danger.

Informal intimations were conveyed to me that in order to avoid complications and personal unpopularity and inconvenience, I ought to take some steps to procure that the refugees should leave the legation and seek concealment in other places, but I have taken the position that they entered into the legation legitimately, as has been admitted by the minister of foreign relations, and that whatever may be the inconvenience to me personally I will not, either directly or indirectly, adopt towards them any course not in accordance with the principles of hospitality and humanity which should characterize a legation of the United States.

The course pursued during the three days named, 23d, 24th, and 25th instants, was dictated, not perhaps by the members of the Government but by some minor officials, with the expectation, as I am convinced, that a state of things would be created around the legation so intolerable that it would either force me to send out the refugees, or force them, out of consideration for the legation and for me personally, to leave of their own accord.

In the first days after the fall of the Government, the Spanish legation had about the same number of refugees that were in this legation—about eighty—of which only five still remain.

During the 23d, 24th, and 25th instants some arrests were made of persons who had come out of the Spanish legation, but as a new Spanish minister had only just arrived in the country and had not yet been officially received, no steps were taken to protest against this action.

The Argentine legation had received ex-President Balmaceda as a refugee, and after his suicide, reported in a previous despatch, the press bore willing testimony to the humane conduct of the Argentine minister for having granted the asylum.

The Brazilian legation had several refugees, some of whom were liberated under bonds, and the others, for whom the Government refused safe-conduct, sought concealment elsewhere, as did also some refugees who were in the French legation. The German minister has one refugee only, General Velazquez, ex-minister of war, who, encouraged by the German minister, proposes to deliver himself to the authorities as soon as he recovers from the effects of an accident from which he is suffering.

The English legation refused to take any refugees, but one or two army officers who escaped from a neighboring house that was being searched did get in there across the roof, and for those the Government did not hesitate to grant safe-conducts.

I am now awaiting reply from the minister of foreign relations to my notes of the 26th instant.

I have, etc.,

PATRICK EGAN.

[Enclosure 1 in No. 205].

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, September 23, 1891.

SIR: It is my duty to say to your excellency that a course of action is being pursued towards this legation which is not acceptable, and I feel bound to convey to your excellency's Government my protest against its continuance.

The legation is constantly surrounded by secret police, without any justifiable reason whatever. Persons are arrested and sent to prison solely because they are seen entering and leaving the legation, and some of my employes and servants are now in prison.

I feel sure that I have but to bring to the knowledge of your excellency those proceedings, which are certainly not in accordance with the respect which this legation has a right to expect, and that your excellency will give the necessary order for its immediate discontinuance.

With sentiments, etc.,

PATRICK EGAN.

[Inclosure 2 in No. 205.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, September 25, 1891.

SIR: Yesterday morning I had the honor to bring to the knowledge of your excellency the proceedings that are being adopted towards the persons visiting at this legation, and towards my servants and others in my employment, and I at same time expressed the confidence that your excellency would give immediate orders for the discontinuance of such offensive measures.

As I have not up to the present received from your excellency any reply to my note, relating to a course of action so extraordinary and incredible that I do not know of any similar instance having occurred in any other part of the world towards the legation of a friendly power, and as many of the persons arrested are still in prison and my household deprived of the necessary servants, I feel it my duty to again call the attention of your excellency to the grave situation which has been created, and to request that it may be discontinued. I append, for the information of your excellency, a list of some of those who have, during the past two days, been taken to prison solely for having been seen entering this legation, and in this moment (4 o'clock) a French clergyman, Rev. Alengry Denis, has been formally warned by three police agents, stationed on the street near my house, not to enter the legation under penalty of arrest. I beg to state to your excellency that I have fully informed my Government of these facts, and that I shall proceed in accordance with such instructions as it may communicate to me in the premises.

With the assurances, etc.,

PATRICK EGAN.

List referred to in preceding letter of persons arrested during the past two days solely for having entered this legation:

Señor Luis Urzua, Señor Santiago Toro Herrera, Señor Eleodoro Valdez Carrera, Dr. Ramon Perez Font, Señor Ramon Aliaga Olivares, Mr. Julian O'S. Madan (United States citizen), Señor José Francisco Molina, Señor Luis Benzi, Señor Hamilton Vickers, Señor Clemente Conales, Señor Alejandro Murello, Señor Humberto Fernandez G., Señor Francisco Toro G. (mayordomo), two servants of the legation, a telephone operator who visited legation to repair telephone instrument, Señor Irene de Terrette (who was liberated by the Italian minister), Señora Luisa Herrera de Valdivieso and other ladies were threatened with imprisonment if they should enter the legation. Señora Doña Francisco Toro G. was also brought to prison.

[Inclosure 3 in No. 205.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,
Santiago, September 26, 1891.

SIR: I have the honor to refer to my note of yesterday's date addressed to your excellency, and now beg to inclose copy of a letter which I have just received from a citizen of the United States, Mr. W. E. Raycraft, giving particulars of the manner in which he was treated by the police, when on yesterday he attempted to enter this legation to inquire for his correspondence.

With sentiments, etc,

PATRICK EGAN.

[Attachment to Inclosure 3 in No. 205.]

*Mr. Raycraft to Mr. Egan.*SANTIAGO, *September 25, 1891.*

ESTEEMED SIR: The object of this letter is to inform you of what occurred to me immediately after leaving the legation this morning, where I had called to see if any correspondence had arrived for me from the north.

On nearing the first street corner I was approached by two persons which I soon comprehended were no less than Government secret police; they requested me to accompany them to the Cuartel de San Pablo police headquarters. I asked them for what reasons and they informed me that they had orders to apprehend all persons visiting the American legation. After receiving this information I decided it would be better to go with them without making any resistance, thinking that would be the better and quicker way to find out for what reason they had arrested me, and my anxiety to return to my house with medicines for my child, which has been seriously ill for the last few days, urged me as well to lose no time in discovering for what reasons I had been deprived of my liberty; also feeling confident there could be no grounds for detaining me under any charge whatever, I quietly submitted to accompany them.

On our way to the cuartel one of the detectives asked me if I knew any of Balma-ceda's family or any of his officers. My reply was that I did not.

After arriving at the cuartel I was conducted into a waiting room where I remained about thirty minutes, and then was requested to pass into an adjoining room where I was questioned by a person dressed in citizen's clothes. He first asked me what my business was at the American legation. My reply was that I went to get my mail. Then he asked me what my business or profession was? I answered that I was a railroad contractor. The third and last question was, where I lived, and I also gave him my address; after this I was told that I was at liberty to retire.

I communicate to you, Mr. Egan, the above facts in order that you may demand an explanation from the Chilean Government for this most singular and outrageous treatment to peaceful American citizens.

I remain, honorable sir, etc.,

W. E. RAYCRAFT.

[Inclosure 4 in No. 205.—Translation.]

Señor Matta to Mr. Egan.

No. 304]

MINISTRY OF FOREIGN AFFAIRS,
Santiago, September 26, 1891.

SIR: This department is in receipt of your excellency's official communication of the 23d instant, in which complaint is made of certain acts of the police, referring to persons leaving or entering the United States Legation, acts which have been carried so far as to arrest these persons—your excellency protesting against the continuation of such action.

Up to the moment in which I received the communication of your excellency, no notices have been received here that any of the employes and servants of the legation have been arrested, or are retained in prison, notwithstanding that this department has been informed of measures that have been taken with the object to prevent the refugees in said legation abusing the legitimate protection given them, by converting their asylum into a center for concentration and dissension which perhaps

your excellency is not aware of, of intriguing against the actual state of affairs established by public opinion, armed, triumphant, and victorious, after prolonged efforts and sacrifices.

The asylum that emanates from the principles of extraterritoriality inherent to the person, the residence, and the vehicles of his excellency the minister does not extend, neither can extend, to the streets, where to enter in or come out of the legation, persons pass who may carry and deliver, according to data appearing trustworthy, letters, signs, words, or by other means, between some of the refugees anxious to conspire and persons that may help them.

This department must believe that your excellency is not aware of this, nor suspects it occurs, and for this reason your excellency has been much surprised at the action of the police agents, who accomplish not only legitimate, irreproachable acts, but perhaps some that protect our lawful rights and those of the citizens, contributing to elucidate certain events taking place, and unknown by your legation, and of which perhaps its illustrious and intelligent chief may not be aware.

It is not to be supposed, neither is there any fear, that those who did not know how to conquer when having authority, money, and forces, will be able to do so today, nor can they from their asylum here or elsewhere effect anything serious against the order and actual state of affairs; but some of them, and especially many of their agents, boast of having means and resources, being protected by the extraterritorial privileges of the legation, loudly proclaim, in order to bring upon themselves attention at the expense and credit of the legation, and to the advantage of the refugees, believing in this manner they are already constituted into formidable chiefs of party.

It would offend the discretion and delicacy of the envoy extraordinary and minister plenipotentiary of the United States to suppose these acts are known to him, because knowing them as they constitute a violation on the part of the refugees of the rules and exigencies most elemental of asylum, he would have admonished and protested to them, and not against the authorities who comply with their duties of office. He would have protested against those who do not comply nor make comply their dependents nor their relatives with their duties of honor, compromising the person that protects them in moments of danger.

For having had to make inquiries and receive information from the local authorities and their agents, I have delayed in answering this, whose contents and object does not prevent the undersigned to express towards Mr. Egan good feelings, personal and official, considerations most characteristic.

Your obedient servant,

M. A. MATTA.

[Inclosure 5 in No. 205.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, Chile, September 26, 1891.

SIR: I have just received to-day 9:30 a. m. the official communication of your excellency of the 25th instant, in which, repeating the observations and protests against the arrests and threats to arrest persons entering the legation or those coming out of it, your excellency makes new remarks and observations that I shall have to take into consideration in this note, which will complete the one I sent before this.

The answer of this department was delayed twenty-four hours, necessary time to receive trustworthy information, and during this time the undersigned returned the ceremonial visit to the envoy extraordinary and minister plenipotentiary, and understood that on the following day, Friday, the 25th instant, would, in his office, treat the pending subject with all the requisite data.

This not having taken place, it appears there has been a delay in replying, which is explained by the above, without further remarks.

Relating to the "extraordinary and incredible" events taking place at the legation, the envoy extraordinary will permit me to excuse discussing the point, because everything done and everything that will be done by the police agents not only exercise the attributes incumbent upon the local authorities, which are better informed and better posted of what takes place inside the legation and its vicinity than appears to be the envoy extraordinary and minister plenipotentiary.

According to the reports of the intendente of Santiago there were no arrests nor threats to arrest any person whatsoever that is not under the immediate jurisdiction of our laws and authorities, and did not give reasons to suspect that they were agents or emissaries of some one of the refugees in the legation, having obtained proofs and seen acts that ratified them, not here necessary for the undersigned to enumerate, for it would be too long and troublesome, and not necessary to prove

that which he repeats, that the authorities comply with their official duties which cannot be prescribed, and that the refugees do not comply with their duties of honor. Possessing the willingness and means to impede and chastise all illicit attempts made by the refugees, the local authorities, supported by the nation, will continue in the road they have chosen, respecting all the legal rights of the persons and residence of the envoy extraordinary and minister plenipotentiary, but preventing, frustrating, or chastising agents and agencies that have nothing to do whatever with the legation, but for the abuse they have committed or may commit of the asylum granted them.

Concerning the list of the persons arrested in the last days, I should say to his excellency, the minister, that it proves that the local authority have indications and motives that, whenever the occasion arrives to demonstrate the presumed facts of the abuses of the asylum in the legation, could be, by due means and form, placed at the knowledge of your excellency and that of your Government.

In reference to the communication of his excellency, envoy extraordinary and minister plenipotentiary to his Government upon these subjects and the proceedings that may follow, and the new instructions and orders they may give him, those are not matters to give grounds whatsoever for discussion with the undersigned, who believes and hopes, that knowing the facts, such as they are, they will be judged in the same light and by the same criterion that he himself judges them.

Assuring respect to the privilege of the legations does not diminish, neither can diminish the attributes and rights of the local and national authorities.

Repeating expressions of my personal and official considerations, etc.

M. A. MATTA.

[Inclosure 6 in No. 205.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN AFFAIRS,

Santiago, September 26, 1891.

SIR: Having received in this department a new communication from your excellency with inclosed exposition of Mr. W. E. Raycraft, citizen of North America, sent to that legation, concerning the arrest and examination of which he was the object after leaving the legation on the morning of the 25th instant.

The undersigned does not consider this act, placed at the knowledge of your excellency and of this department, merits comments nor discussion, because it is the expression and consequences of the vehement suspicion, authorized by more than one case, that the refugees in the hospitable and privileged house of your excellency have abused, or do all possible to make it appear that they abuse, the asylum, probably without the knowledge of your excellency, and certainly without respect to the considerations that they owe to your excellency.

This act, as well as others similar to it, are not imputations or reproach upon the local authority that operates within its sphere, but are the forced consequences of the anomaly of the presence and notorious conduct of those that abuse the diplomatic asylum.

This is all in this third note of to-day, which I have the honor to express to your excellency, after acknowledging its receipt, repeating my distinguished personal and official considerations.

Your obedient servant,

M. A. MATTA.

[Inclosure 7 in No. 205.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,

Santiago, September 26, 1891.

SIR: I have the honor to acknowledge receipt of the two notes of your excellency of this date, replying to mine of 23d and 25th inst., in which I related to your excellency the course pursued towards the persons visiting this legation and towards my servants.

Your excellency, after having made the necessary investigation, considers that notwithstanding the respect and consideration due to this legation, the Government of your excellency has the right to use in the public street, and outside the limits of the legation, towards all those who may visit the legation, all the measures which

it esteems necessary to prevent attempts at a conspiracy of which the Government of your excellency has reason to believe there is a probability; at the same time intimating the belief that these attempts at conspiracy must be entirely beyond my knowledge.

I have to thank your excellency for this recognition, because it would indeed be very unlikely that I should tolerate for one moment in this legation any proceedings contrary to the spirit of strict neutrality which, as representative of the United States, it is my duty to observe.

I thank your excellency, also, for the recognition which your excellency concedes to this legation of a principle which forms an integral part of the international practice of my country: to grant asylum to refugees of a political character who seek in her legations or in her ships of war the protection which civilization and humanity counsel.

But your excellency will permit me to suggest that as a result of the great agitation naturally arising out of the contest which has just terminated there must be some error in believing that there could have been in this legation any attempt at conspiracy.

As a close observer of what transpires in my house, I am able to assure your excellency that the only thought of the persons in this legation, from the first moment of their entrance, has been to leave the country at the earliest moment possible, under the guarantees and safe-conducts necessary for that purpose; and as a matter of fact, and as an undeniable proof of this, before formulating the official solicitation which this legation considers it is bound to make in favor of the refugees, now practically in the territory of the United States, they themselves, and I on their behalf, made unofficially, over two weeks ago, a request for a safe-conduct for the same purpose.

This must, without doubt, show to your excellency that there did not and does not exist in the minds of those in this legation any intention to disturb the present order of things, and that if occurrences have taken place to alarm the attention of your excellency's Government they may have had their origin in other causes upon which it is not the province of this legation to enter.

Now that a fitting opportunity presents itself, and in a propitious manner, I trust your excellency will permit me to solicit the respective safe-conducts for all of the refugees in this legation who desire to go out to a foreign country, and to express the hope that this solicitation may encounter from the Government of your excellency the same benevolent acceptance which was accorded in the past months, while the struggle was still undecided, to those on behalf of other refugees in this and other legations.

At the same time, and with reference to my notes of 23d and 25th instants, I trust your excellency will not hesitate in making the necessary order that the visitors at this legation and the personnel of its employés and servants, may find undisturbed access to it, and that it may be able to feel itself secure from all unjustifiable vexations.

Assuring your excellency of my most distinguished consideration, etc.,

PATRICK EGAN.

[Inclosure 8 in No. 205.]

Mr. Egan to Señor A. Matta.

LEGATION OF THE UNITED STATES,
Santiago, September 26, 1891.

SIR: I have received the note of your excellency of this date, No. 307, in reply to mine of this morning in which I indicated to your excellency the arbitrary arrest of the United States citizen Mr. W. E. Raycraft.

Your excellency has been good enough to inform me that you "did not consider this fact deserving of comment or discussion, and that it was only a necessary consequence of the anomaly of the presence and of the notorious conduct of those who were abusing the diplomatic asylum."

As I have informed your excellency in my previous communication, and as is shown by the letter of Mr. Raycraft therein inclosed, this gentleman came to the legation to inquire for his correspondence, and without any other circumstances or offense than that of having gone out from it, he was arrested by the police agents on the public street, conducted to the police station of San Pablo, and after various questions, which revealed no other intention than that of vexation because he had visited this legation, he was dismissed.

Similar occurrences happened to other United States citizens who had come to this legation in reference to their proper business, as, for example, Mr. Julian O. S.

Madan and Mr. Charles Hillman, who, on going out of the legation, were conducted to the intendencia by the police agents as if they had committed some public offense.

Other persons who had business to arrange with the legation, or personal visits to make to me, Don José Francisco Molina, Don Santiago Toro Herrera, Don Ernesto Hubner, and others found themselves obliged to have themselves accompanied by special police agents in order not to be arrested, or to procure special passports from the intendencia with the sole object of being able to come to the legation under their protection.

I am in a position to inform your excellency that one of my sons read the order given to the police, which he obtained for the purpose from one of the agents, and its terms were to arrest any persons going out of the legation. The same thing was repeated by the police agents to Mr. Raycraft and other gentlemen.

In this way vexations are inflicted upon the legation of a foreign and friendly power in the persons of its visitors, native and foreign, apparently without consideration and certainly without any justifiable reasons whatsoever.

Pending the receipt of instructions from my Government, I consider it my duty to intimate to your excellency that the consideration due to this legation and the respect due to the country which I represent can not be intrusted to the discretion of detectives of an inferior grade, nor can they depend upon the outcome of suspicions and fears that I must consider unfounded and chimerical.

As representative of the United States I can not allow, without serious protest, that the house of this legation should appear as in a state of siege, and that from day to day it shall be subjected to petty annoyance in order to inflict vexation upon those who come into or go out from it, or upon those to whom it has, as your excellency admits, legitimately extended asylum.

Not giving credit to nor considering of importance the capricious rumors that the legation could have been converted into a focus of conspiracy, I feel it my duty to renew to your excellency the desire which I have already expressed, that the course of action of which I have complained may not be repeated.

Begging your excellency to accept, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, September 30, 1891. (Received October 1.)

Mr. Egan states that in a note sent him the minister for foreign affairs refuses safe-conduct or permission to refugees to leave the country, and maintains the correctness of all that has been done by the authorities. The minister for foreign affairs also repeats the unfounded and absurd charges of the refugees conspiring in the United States legation. Since Saturday the trouble to the legation had ceased, and no more arrests had been made.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 1, 1891.

Mr. Egan is informed that the President desires to establish and maintain the most friendly relations with Chile, but the right of asylum having been tacitly, if not expressly, allowed to other foreign legations, and having been exercised by our minister with the old Government in the interest and for the safety of the adherents of the party now in power, the President can not but regard the application of another rule, accompanied by acts of disrespect to our legation, as the manifestation of

a most unfriendly spirit. Mr. Egan is instructed to furnish a copy of this to the minister for foreign affairs and to take the utmost precaution to prevent any abuse of the privilege of asylum by those to whom he has extended it; their intercourse with outside persons, whether by person or by letter, should be under his supervision and limited to the most necessary and innocent matters. The discussion and adjustment of the matter would probably be much facilitated were there an authorized agent of Chile at Washington.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 1, 1891.

Mr. Egan is instructed to inform the Department, by cable, of the essential parts of notes from the foreign office, and to keep it fully advised as to the facts respecting his legation and those of other Governments. He is to report fully by mail (sending copies of all correspondence) all instances of disrespect to the legations and all incidents of arrests of Americans.

Mr. Egan to Mr. Wharton.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 3, 1891. (Received October 5.)

Mr. Egan states that he to-day read to the minister for foreign affairs the Department's telegram of October 1; that the minister replied that his Government fully recognized the views therein expressed, and assured Mr. Egan that there was no intention of disrespect to the legation. The minister claims the right to take measures outside the legation to frustrate conspiracy, or attempts at conspiracy, on the part of the refugees, which he still charges is taking place. He stated that the order to arrest applied only to those against whom there might be legitimate grounds for suspicion, and denied that there could have been any order to arrest all persons visiting legation. The statement of police officers must therefore have been based on misunderstanding. He will investigate this point, and reply in answering Mr. Egan's note of the 1st of October. All correspondence will be forwarded by first mail. Mr. Egan is certain there has not been and will not be any abuse of asylum, and will carry out Department's instructions to prevent any. His desire is to obtain safe-conduct for refugees out of the country.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 6, 1891.

Mr. Egan is instructed to furnish to the Department full details as to the number of refugees in other legations now and since the overthrow of Balmaceda; the crimes of which the refugees are or were accused; whether any such refugees have been given safe-conducts, and the treatment by the Chilean authorities of the legations offering asylum.

Mr. Egan to Mr. Blaine.

No. 208.]

LEGATION OF THE UNITED STATES,
Santiago, October 6, 1891. (Received November 13.)

SIR: I have the honor to refer to my dispatch of 29th September, No. 205, and now beg to inclose a translation, inclosure No. 1 of the reply, received 30th ultimo, of the minister of foreign relations to my note of the 26th ultimo, from which it will be seen that the minister still maintained the correctness of all that had been done by the local authorities, and attempted to support the charge of conspiracy against the refugees by the citation of proofs which do not bear the test of examination. He also says that his Government has no obligation to grant, and is by no means willing to grant, safe conducts to enable the refugees to leave the country. I forwarded to you, same evening, a telegram giving the substance of this reply.

On 1st instant I replied to same, exposing the fallacy of the supposed proofs of conspiracy, intimating the desire of my Government that I should firmly insist that the respect and inviolability due to the accredited minister of the United States and to the legation buildings, including free ingress and egress, should be fully and promptly given and observed, again recounting the manner in which the police had acted in arresting all visitors at the legation, including three United States citizens and others who had come on business entirely unconnected with the refugees, and stating that such a course would not alone involve vexations to the legation, but it would make it impossible, if repeated, to maintain the friendly relations which my Government has always cordially desired to preserve with the Government and people of Chile, but which should be reciprocal.

I further renewed my protest against the course of action which the minister had sought to justify, and concluded by expressing my regret that he could not at present find reason for the concession of the safe conducts as a proof of consideration and amity towards a friendly Government. Please find copy of this note, Inclosure No. 2.

I received on 2d instant your telegram of 1st, and on 3d instant your other telegram.

Same day I waited in person upon the minister of foreign relations, and, as instructed, read to him your telegram conveying the expression of the opinion of the President.

As is shown by memorandum of interview which I forward herewith, Inclosure No. 3, the minister fully recognized that the asylum had been legitimately extended, disclaimed on the part of the Government any intention to show disrespect to the legation of the United States,

declared that there must have been a misunderstanding with respect to the order to arrest all visitors to the legation, which I had described as a virtual blockade, and he promised to fully investigate and reply to this point in his answer to my note of 1st instant.

Same evening I forwarded telegram conveying foregoing particulars.

The Americans arrested were: Mr. Charles Hillman, a well-known engineer, who on coming to visit the legation on 25th ultimo was conducted by police agents to the intendencia, a governor's office about half a mile away, where, after some questions and explanations, he was liberated; Mr. Julian O. S. Madan, commission merchant, conducted on two different occasions to the intendencia, and Mr. W. E. Raycraft, railway contractor, who was conducted to the police headquarters of San Pablo, over a mile distant, and who, after a series of interrogations, as described in his letter attached to Inclosure No. 3 in my No. 205, was set at liberty. Among the other arrests were three persons, natives, who came on business connected with the legation, two doctors that came to attend one of the refugees who was ill, a telephone mechanic who came to arrange the telephone instrument, and four servants of the legation. The last mentioned were retained for three and four days in prison, and the telephone mechanic for twenty-four hours.

The Spanish minister, who is now officially received, has agreed to act entirely in harmony with me in relation to the refugees in his legation.

The facts respecting other legations I have fully reported in my No. 205.

As stated in my dispatch of 3d instant, there has been no inconvenience to the legation since the 26th ultimo.

I am awaiting the reply of the minister of foreign relations to my note of 1st instant.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 205.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, September 29, 1891.

SIR: This department is in receipt of your excellency's two last communications of the 26th instant, in which, treating of the measures which the lawful authorities have believed right, and which they should take to guard and protect social interests and to make respected all official and lawful rights, your excellency says:

(1) That your excellency returns thanks for the acknowledgment that you are not aware of what is being done or what may be done in violation of the asylum and the acceptance of this in all its meanings.

(2) That in proof of the fact that the refugees have not attempted nor will attempt anything against the actual state of affairs, they are willing to go out of the country providing they can obtain a safe-conduct to do so.

(3) That the disagreeable conduct of the police agents towards persons coming out of the legation constitutes a state of siege that ought not to be further continued.

(4) Your excellency, after citing the case of Mr. Raycraft and other United States citizens, infers that it is a molestation put upon those entering into or coming out of the legation, and also states that you are awaiting instructions from your Government, and that your excellency "considers it your duty to make known that the consideration due to the legation and the respect due to the country which you represent should not be intrusted to the discretion of secret police of inferior grade, nor can they depend upon the suspicions and fears that your excellency must consider chimerical and unfounded."

The undersigned, expressing himself as he has done in that which relates so much to the minister plenipotentiary and to the extra territorial rights of the legation,

and briefly referred to in the first paragraph, has only complied with his duty and conscience, and is pleased that in this there will be no reason for difference of opinion between the United States legation and this department.

As regards the contents of the second paragraph—if such be the purpose of the refugees at the legation—perhaps they have done things or are authorizing others to do things which contradict this intention, which the local and national authorities have the power to prevent and frustrate, without the necessity of granting a safe-conduct, which the refugees have no right to ask for, not even protected by the chief of the legation who grants them asylum.

It is those that took upon themselves the responsibility who should know what steps are necessary to adopt, and not the undersigned, who should undertake to point out the way or the means by which they or the refugees can succeed in getting out of the difficult position in which they are placed without the desire of the local authorities, who comply with their strict duties of office.

As the undersigned has not considered, for reasons which it is not necessary to explain, but which his excellency the minister plenipotentiary can well understand, that it was his duty to ask for the extradition of the refugees in the legation, he believes also that his Government has no obligation to grant, and certainly is by no means willing to grant, a safe-conduct to these persons, to whom the legation can generously give a place of refuge, but to whom it can not give the right or privilege to oppose or conspire against the laws, the authorities, or the interests of Chile.

In reference to the disagreeable position referred to in the third paragraph, the situation is not the result of the official acts or wishes of either the local or national authorities, but of the granting, as the undersigned considers justly and rightly, of the asylum to certain offenders, called political, and above all for the abuse committed of said asylum in order to foment intrigues and plots that will prove useless and vain, but which nevertheless has been done, according to trustworthy evidence which has arrived at the knowledge of the undersigned.

Of the data referred to in paragraph four, the undersigned will recite only a few authentic cases, which will prove to his excellency the minister plenipotentiary that it is not to be inferred that the authorities desire to molest persons entering and coming out of the legation because a few persons have been detained and questioned, natives as well as foreigners, and who may have held intercourse with the refugees without Mr. Patrick Egan knowing it or being able to know it.

For instance, papers and letters have been seized and taken from persons commissioned to carry them for and from some one of the refugees; also persons have been seen passing a package of papers through an open window, which was received by some one on the inside who certainly was not an employé of the legation; besides this, we are in possession of proofs that a card used by the servant of the legation, and intended for the sole use of that person only, had been made use of by three or four different persons; these cases already cited are more than sufficient, in the judgment of the undersigned, to convince Mr. Patrick Egan that these are not imaginary visions which have dictated those measures, and which clearly explains that these persons were or may have laid themselves liable to molestations on coming out of the legation, notwithstanding up to date there has been no instance whatsoever to prove that the rights of the legation have at any time been infringed upon.

The police comply with their duties in the streets, and in view of antecedents, all of which have not been denied, in respect to persons visiting the legation, not for the service or for its necessary purposes, but with the object of forming relations with the refugees which, if the authorities do not prevent they fail to comply with their most elemental obligations, and which is their right, having the power to prevent the effects which these acts may produce.

Without giving further development to this and much other data—of greater significance than that cited by the minister plenipotentiary—the undersigned has the honor to repeat to Mr. Egan all possible considerations, both personal and official, in answer to his two last communications.

Your most obedient servant,

M. A. MATTA.

[Inclosure 2 in No. 208.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, October 1, 1891.

SIR: I have the honor to acknowledge receipt of the note of your excellency of 29th ultimo replying to mine of 26th ultimo.

In it your excellency insists in expressing the right of the local authorities to adopt the measures against which this legation has protested, your excellency affirming

that such measures had been caused "by the granting of asylum to certain offenders called political, and especially by abuses committed, or intended to be committed of such asylum, in order to foment intrigues or concoct plots which would be entirely vain and useless, but which nevertheless existed," according to reliable information which has come to the knowledge of your excellency.

Among these informations "there have been discovered, for example, letters and other papers of some of the refugees; there has been seen introduced by an open window a package of papers which some one had received in the interior; and it has been proved that the card of the servant of the legation, which was for one individual, had been used for three or four more;" those facts being sufficient, in the judgment of your excellency, to justify the measures which had been taken in order to frustrate the attempts at conspiracy which, according to your excellency, were taking place in the legation in my charge.

As I have expressed to your excellency, in my note of 26th September, I awaited instructions from my Government, which I had fully informed by telegraph of the occurrences that in a form so unusual toward the legation of a friendly nation had taken place.

I have now received those instructions, which direct me to firmly insist that the respect and inviolability due to the accredited minister of the United States and to the legation buildings, including free ingress and egress, shall be fully and promptly given and observed.

It is satisfactory to me to find that the protest, which I have felt it my duty to convey to your excellency in my previous communications, corresponds to the desires of my Government.

I can not, consequently, admit the right claimed for the authorities, either local or national, to establish a species of blockade against this legation in the form in which it was put in practice during some days.

The order given by the local authority, and recognized as valid and legitimate by your excellency, was to conduct to prison or to the intendencia any person going out of the legation, without distinction of persons, and without indication whatsoever of the slightest culpability, and the police agents even went so far as to warn persons not to enter, under threat of arrest; all of which would not alone involve vexations to this legation, but would make it impossible, if repeated, to maintain the friendly relations which should be reciprocal, and which my Government has always cordially desired to maintain with the Government and people of Chile.

According to the principles approved by your excellency the diplomatic immunities should be at the mercy of idle rumors or of the whisperings of detectives composed of persons drawn from the lowest social grade.

I have to renew to your excellency my protests in the form already conveyed in my previous notes, and to say that I can not recognize the propriety or legality of the orders which have been given by the local authority, and the proceedings which have been adopted to comply with these orders.

I am pleased to observe that your excellency is good enough to supply the data to show how unfounded are the charges of conspiracy made against the refugees in this legation. I regret to express to your excellency that I can not consider as serious the idea that a conspiracy could have been presumed on the part of those gentlemen because of the throwing of a letter through an open window. The action referred to was done by Señor Don Eleodoro Valdes Carrera, who on account of the state of siege in which the legation was placed, found that that was the only safe way of communicating with his brother, Don José Miguel Valdes Carrera, after having been twice arrested by the police for attempting to visit the legation, took advantage of the opportunity of finding a window open to throw in the letter in the way described; which only shows the more clearly the extraordinary situation in which this legation was placed by the action of the authorities. This letter, which refers purely to family and business matters, is now in my possession and entirely at the disposition of your excellency.

The other proof adduced by your excellency is that the card given to one servant for his safeguard had been used by three or four others. I am not aware that it corresponds to your excellency to determine the number of the servants of this legation or that your excellency can consider yourself authorized to interfere with the increase of the number of such employés, made necessary by the circumstances. In the present instance I gave two cards, with the intention that they could be used by any of four servants then employed in the legation. My cards of identification in any case were not respected, because all of my servants were conducted to the prison and retained there for some days, two of them having those same cards in their possession.

The only thing that could have warranted the consigning of those men to prison would have been the finding of some culpability or implication on their part in the alleged conspiracy, of which I am convinced there could not have been the slightest probability.

I do not deem it necessary to say anything in regard to whether the refugees may have received correspondence. They are free to do so, because asylum, according to international law and custom, does not involve isolation nor prevent the persons from attending to their business and family interests as they may find convenient.

In regard to the solicitations on behalf of the refugees, conveyed in my note of 26th ultimo, to obtain from the Government of your excellency safe-conducts to enable them to go out of the country; I submit it was a proof, clear and irrefutable, that they do not entertain any idea of conspiracy; of which fact I myself am entirely convinced.

As your excellency shows an unwillingness to concede safe-conducts, I consider that for the moment I should make no observation to your excellency beyond expressing my regret that your excellency can not at present find reason for a concession which would be a proof of consideration and amity towards a friendly Government.

Renewing to your excellency the assurance of my distinguished consideration,

I have the honor to remain, your excellency's obedient servant,

PATRICK EGAN.

[Inclosure 3 in No. 208.]

MEMORANDUM OF INTERVIEW BETWEEN MR. EGAN AND SEÑOR MATTÁ.

SANTIAGO, October 3, 1891.

To-day, in accordance with instructions received by telegram from Mr. William F. Wharton, Assistant Secretary of State, I waited in person upon the minister of foreign relations, Don Manuel A. Mattá, and read to him said telegram.

The minister stated that he recognized in the fullest manner that this legation had legitimately given asylum to the refugees now in the legation, and he assured me that there was no intention whatsoever on the part of his Government to offer the legation of the United States the slightest disrespect. He maintained, however, the right to arrest or detain and question, for the purpose of impeding the supposed conspiracy on the part of the refugees, all suspicious persons supposed to be carrying documents or messages from the refugees.

I pointed out to the Minister that in all cases the police agents had stated they had orders to arrest all persons coming out of the legation and that as a matter of fact they had, during three days, the 23d, 24th, and 25th of August, arrested and conducted to the intendencia all of the visitors, including three Americans and some three natives who had come to the legation on business entirely unconnected with the refugees, and that this amounted to a virtual blockade of the legation; that I had in my several notes referred to this order to arrest all visitors and that the minister had not denied it, but had on the contrary sustained all that had been done by the local authorities, and that persons throughout the city would not venture during those days to visit the legation without either the protection of a special police agent or a special passport; all of which created a situation with respect to the legation that no nation could permit.

The minister assured me, with regard to the question of an order to arrest all of the persons visiting the legation, there must have been a misunderstanding, as he felt assured that no such order had ever been given, or would be given, and that he had not replied to that point in my notes because he considered it might have been some exaggeration of words, and that he had believed my protests and arguments were directed to the limitation of the proper right of the local authorities to arrest or detain on the public streets, away from the vicinity of the legation, persons who might have gone out from the legation, against whom there might be legitimate grounds of suspicion. I replied that I had not contended that the police should not arrest, in the public streets, persons against whom there should be legitimate grounds for suspicion, but that I did object to the indiscriminate arrests that had taken place without any grounds for suspicion whatsoever beyond the fact that the persons so arrested had been seen visiting the legation, and that I objected to the manner in which the legation had been virtually blockaded.

The minister said he would postpone his reply to my note of the 1st instant until he should be able to make full inquiries from the intendente, and be in a position to fully reply to me on this point.

With regard to the charge or suspicion of conspiracy against the refugees, I again assured the minister that the only desire of the refugees is to get away out of the country.

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 8, 1891. (Received October 9.)

Mr. Egan acknowledges receipt of Mr. Wharton's telegram of the 6th instant, and states that 80 persons sought refuge in his legation after the overthrow of the Balmaceda Government; about the same number in the Spanish legation, 8 in the Brazilian, 5 in the French, several in the Uruguayan, 2 in the German, and 1 in the English. Balmaceda sought refuge in the Argentine. All these have gone out except 15 in his own legation, 1 in the German, and 5 in the Spanish. From the 23d to 25th September, when the arrests were made at his legation, several arrests were also made of visitors to the Spanish legation. No protest, however, was made, owing to the fact that the new minister having recently arrived had not then been officially received. The other legations were not molested. Spanish minister is seeking safe-conduct for refugees in his legation, and will act in entire harmony with Mr. Egan. All acts of the late Government since the first of January last, including the election and proceedings of Congress, have been decreed by the present Government unconstitutional, and the refugees are charged with crime in having acted without constitutional authority in their several positions. The refugee in the English legation, having promised to go home and remain there, has been permitted to go. Others have been allowed out on bonds to submit themselves to the tribunal. Those in the Spanish and United States legations would be subjected to heavy penalties, and in some cases death. No one has been granted a safe-conduct to leave the country. The press of Buenos Ayres and Montevideo contain extremely strong articles against the attitude of the Government towards the supporters of Balmaceda. Mr. Egan's note of the 1st instant has not yet been replied to by the minister for foreign affairs.

Mr. Wharton to Mr. Egan.

No. 136.]

DEPARTMENT OF STATE,
Washington, October 9, 1891.

SIR: I have received your No. 191, of August 8 last, reporting the arrest and placing in irons at Concepcion, of Mr. Herbert C. Stevenson, an American citizen; your intervention in the case, and your receipt of an apology from the Government, as well as an indemnity of 2,000 pesos for Mr. Stevenson.

Your action in the case is cordially approved.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 13, 1891. (Received October 14.)

Mr. Egan states that the foreign office, in its reply to his representations, says that the instructions to the intendente authorized the arrest of no one except upon well-founded suspicion of being agents of illegal

attempts on the part of refugees and on the public streets away from the legation, and that access to the legation should have been entirely free. Minister for foreign affairs deplores all errors committed by police agents against any persons not properly subject to suspicion, and avers that no vexation was intended to the legation. He considers that, since a decree was issued on the 14th September, by the provisional government, submitting supporters of the late Government to the tribunals, it would be an unjustifiable irregularity to grant safe-conduct. Were it possible to do so, he says, without disrespect to the law, the interest of the country, or the prestige of the Government, it would be given as a proof of amity towards the legation. In replying, Mr. Egan will cite important instances in which Chile strongly advocated safe-conduct under similar circumstances.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 17, 1891. (Received October 19.)

Mr. Egan reports that he has again solicited safe-conduct for the refugees in his legation, and had cited in his note to the minister for foreign affairs the case in which the Chilean minister for foreign affairs, in July, 1866, instructed the Chilean minister at Lima to insist upon the safe-conduct of refugees then in the several legations in that city. Those refugees were transported on board ships at Callao under the protection of the foreign ministers. Mr. Egan also cited the case of the approval of the Chilean delegates to the South American Congress held in Montevideo in December, 1888, of a resolution recognizing the right of asylum accompanied by the right of safe-conduct. The decree of September 14, Mr. Egan argues in his note, can not abrogate international usage repeatedly approved by the Chilean Republic, and applies only to persons within the powers of Chilean Government. According to precedent and as a logical consequence of the recognition of the right of asylum, Chilean Government should grant safe-conduct, which it is entirely at liberty to do. A favorable reply is hoped for.

Mr. Egan to Mr. Blaine.

No. 209.]

LEGATION OF THE UNITED STATES,
Santiago, October 17, 1891. (Received November 27.)

SIR: Since my dispatch No. 208 I had the honor to receive your telegram of the 6th instant, requesting full report upon number of refugees in this and other legations now and since the overthrow of the Balmaceda Government, the treatment of the other legations by the Chilean authorities, and the crimes with which the refugees are or were accused; also, whether any safe conducts have been given to refugees in other legations.

To this I replied by telegram on the 8th instant, giving the full particulars desired, from which it will be seen that during the turbulence and sack of the houses of prominent Balmacedists which followed the

news of the result of the battle of Placillas the other legations, or all of them that had accommodation, gave asylum to a greater or less extent. The Spanish legation had for several days some eighty persons, about the same number that were in this legation, the Brazilian, French, Uruguay and others each having from one or two to ten refugees.

When the first excitement settled down, many of those persons went out of the legations, some who had but slight responsibility giving bonds to appear before the tribunals when required, and others seeking concealment in the houses of the supporters of the successful party. In this legation there remain now fourteen, one having gone out under bonds since the date of my telegram, five in the Spanish legation and one in the German legation.

I have already in my No. 205, of the 29th September, as well as in my telegram of 8th instant, explained the action of the Chilean authorities toward the other legations and the nature of the charges against the refugees. I should, however, mention another incident that may be of interest. The German legation only rents a limited number of apartments in a large house, and the room which Gen. Velasquez occupies was not embraced in the number of rooms so rented, but an adjoining one, which the German minister had procured specially for the purpose. The police authorities, on learning this, arrested General Velasquez and carried him to the prison, but as soon as the Junta de Gobierno learned the facts they at once had him returned from the prison to the same room.

Only one person, a Col. Mason, took refuge in the English legation, and he was immediately allowed to go to his house under promise that he would remain there, but was not given safe conduct out of the country.

The Spanish and Brazilian legations applied for safe conducts to enable certain refugees to leave the country, but did not succeed in obtaining them.

Under date of 9th instant I received from the minister of foreign relations a note, in reply to mine of 1st instant, copy inclosed (Inclosure 1), in which, in reference to the actions of the authorities toward the legations during 23d, 24th, and 25th September, he says:

According to the report of the intendente of Santiago, and according to the instructions given to him by the ministers of foreign relations and interior since the beginning and during the course of this question, the ingress to and egress from the legation have been free; notwithstanding that persons who have entered and gone out and who inspired well-founded suspicion that they were, or might be, agents of illegal attempts on the part of the refugees, may have been arrested and conducted to the intendencia; being arrested not in the house of the legation, nor even near to it, but more frequently at a considerable distance from the street in which the United States legation is situated.

Never, according to the official report of the intendencia, has there been inflicted, or desired to be inflicted, vexation or injury to the legation or to its chief or to its employés.

And further he adds:

The minister can be assured the undersigned deplores all errors of this kind by the police agents that may have been committed against any person not comprehended in the number which they should watch and even arrest.

In reference to the question of safe conduct for the refugees he says:

Since the decree of 14th of September last was published, the persons therein referred to have been subject to the judicial power of the country, and the supreme junta and its secretaries have been therefore deprived of the power to grant that which has been asked for and which Mr. Egan considers would be a friendly manifestation toward the United States legation.

After further dwelling upon the effects of the decree referred to, the minister says:

The undersigned would be pleased, in addition, to give the assurance that if it were possible without disrespect to the law, the prestige of the Government action, and contrary to the interests of Chile to give this proof of friendship toward the legation of North America, it should be given.

I communicated the contents of this note by telegram.

On 16th instant I replied in a note, of which I inclose copy (Inclosure 2), reaffirming to the honorable minister the correctness of the statements which I had made in regard to the arrest of all persons going out from the legation, assuring him that the occurrences did not take place with the measure of discretion which the intendente of Santiago had reported, and stating that in view of the gravity of what had taken place, and in view also of the fact that the legation is now reinvested with the guaranties which it should always possess, I felt that I should remit to my Government all of the facts and leave to it the final resolution with regard to the question.

I shall, upon this question, await instructions.

In regard to the question of safe-conduct, I replied, referring to the fact of the recognition by the honorable minister that the asylum had been legitimately given by me in compliance with the duties of civilization and humanity, that the refugees are virtually in foreign territory; that the decree of the minister of justice of 14th September, or even a law of local effect, could not destroy usages and customs that are international; that said decree could not therefore reach the persons who might be in the legations and beyond the jurisdiction; and that, therefore, the Government of Chile is, in my judgment, at most perfect liberty to concede the safe-conducts; and further that it could do so most logically in view of the international policy which it has always maintained.

I then proceeded to cite two cases, to which I beg to call your particular attention, in which the Government of Chile distinctly recognized and approved the right of safe-conduct as a necessary adjunct to the right of asylum. The first arose out of the revolution in Peru in the year 1865, under the leadership of Col. Prado, against the then president, Gen. Pezat, in which the latter was defeated. He and his prominent supporters were obliged to seek asylum, and many of them found shelter in the French, Spanish, Chilean, and other legations. Señor Don Alvario Covarrubias, Chilean minister of foreign relations, instructed Señor Don Marcial Martinez, Chilean minister plenipotentiary in Peru, for his guidance:

First. That foreign legations can not grant asylum to common criminals, who should be delivered to the local authorities when they claim them.

Second. That the legations can concede asylum to political refugees for the time necessary to enable them to leave the country, with which purpose the diplomatic agent should put himself in accord with the minister of foreign affairs of the country to which he is accredited, in order to send the refugee to a foreign country under the necessary guaranties.

As a result of the negotiation on that occasion, the refugees in the several legations were permitted to go out of the country, and they were accompanied on board ships in Callao by the foreign ministers and in some cases by the foreign consuls.

Full particulars of this case will be found in a pamphlet printed by the Peruvian Government, entitled: "Secretaria de Relaciones Exteriores. Correspondencia Diplomática relativa á la cuestion sobre asilo, publicada por orden de S. E. el Jefe Supremo Provisorio, para ser pre-

sentada al Congreso Constituyente. Lima, Imprenta del Estado. Por J. Enrique del Campo, 1867."

The second case is that of the International South American Congress held in Montevideo in the year 1888 and beginning of 1889, in which was adopted the following very important resolution on the question of asylum:

ART. 17. A common criminal who has taken refuge in allegation shall be delivered by the chief of such legation to the local authorities upon the previous demand of the minister of foreign relations, when not done spontaneously.

Said asylum shall be respected with regard to those pursued on political charges, but the chief of the legation is obliged to immediately bring the fact to the knowledge of the Government of the state before which he is accredited, and said Government can require that the refugee shall be placed outside the national territory within the shortest possible period.

The chief of the legation shall have the right to require, in like manner, the necessary guaranties to enable the refugee to go out from the national territory, the inviolability of his person being respected.

The same principle shall be observed with respect to those who may have taken refuge in ships anchored in territorial waters.

The above is a translation from pages 305 and 306 of "Anexo á la memoria del Ministro de Relaciones Exteriores" of the Republic of Uruguay for 1889.

This article No. 17 was warmly supported by the Chilean delegates, Don Belisario Prats, one of the judges of the supreme court, and Don Guillermo Matta, brother of the present minister of foreign relations, and by them finally approved in the name of the Republic of Chile. It was also approved by the delegates of the Argentine Republic, and of the Republics of Bolivia, Paraguay, Peru, and Uruguay.

I have argued that every recognized right, whether civil or international, must receive a rational interpretation and a practical application, and that it would be absurd to consider that the right of asylum should be made a mockery for the diplomatic agent who grants it and a snare for the refugee who seeks it, by converting the legation into a permanent prison, and that therefore logically as well as in conformity with what I had shown to be the international policy and compromises of Chile the safe-conducts ought to be conceded. I at same time forwarded a complete list of the refugees in the legation.

I informed you by telegraph to-day of the chief points in this note.

I also inclose copy in print (inclosure 3) of the decree already referred to of 14th September last, under which the ministers, senators, deputies, and officials of the late Government are submitted to the tribunals, and but for which the honorable minister intimates he should be pleased to concede the safe-conducts asked for as a proof of friendship towards this legation.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 209.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, October 9, 1891.

SIR: This department received your excellency's note of the 1st at 1 p. m. on the 2d of the current month, which the undersigned hastens to answer as briefly as possible.

The instructions which your excellency has received from your Government, and in compliance with which your excellency affirms and repeats that "the respect and inviolability due to the minister accredited by the United States and to the dwell-

ing of the legation, including free ingress and egress, should be fully and promptly given and observed," in no way modifies the state of the question, neither are they in contradiction with the manner of thinking of the undersigned.

The undersigned has not the right to inquire into, and less the intention to discuss, the instructions received by your excellency, nor the data and the foundations from which they emanate, and confines himself only to that which is his duty and that within his knowledge. It would be indiscreet, if not disrespectful, toward the Government that gives and the minister that receives the instructions—such a thing being possible—to inquire into or discuss them.

According to the report of the intendente of Santiago and according to the instructions given to him by the minister of foreign relations and interior since the beginning and during the course of this question, the ingress to and egress from the legation have been free, notwithstanding that persons who have entered and come out, and who inspired well-founded suspicion that they were or might be agents of illegal attempts on the part of the refugees, may have been arrested and conducted to the intendencia, being arrested, not in the house or the legation nor even near to it, but more frequently at a considerable distance from the street in which the United States legation is situated.

Never, according to the official reports of the intendencia, have there been inflicted, nor desired to be inflicted, vexations nor injury to the legation, nor to its chief, nor to its employés. And if any servant, due to his inferior position, or any unknown person that served it has been arrested and questioned, it was not because he was an employé of the legation, but because he was or seemed to be an instrument of the refugees who have done, or apparently have done, things which compromised him who had given them asylum and violated the law and order in Santiago.

This is a résumé of the reports of the intendente, an illustrious and intelligent person, who can not be easily deceived or mistaken and who would not assert what is untrue. His excellency the minister plenipotentiary has believed that that which the undersigned communicated to him in his last letter, to demonstrate that what he called a state of siege or blockade of the house of the legation, did not originate from any ill-will or want of respect from the local authorities towards his person or dwelling, but from the actions of the same refugees, who provoked and made indispensable the presence and interference of the police in the adjoining streets.

His excellency the minister has considered that all this was given as a proof of a conspiracy and was the exposition of all that is known in this respect; but his excellency the minister, looking at things in that light, is laboring under a mistake, since the data and things noted by the undersigned are very distant from being all now in the hands of the local authorities, and his excellency the minister can readily conceive that it is not in this department of foreign affairs, where the procedure and investigations of such subjects are decided upon, and which the police of Santiago have been and are still following up.

The undersigned tenders his thanks for the offer of the letter of Señor Eleodoro Valdes C., of which he will make no use, nor will he refer to the explanations in reference to the use of the pass-cards, and the number of servants of the legation, but will proceed to other observations of his excellency the minister plenipotentiary, which enter entirely into the sphere of things subject to his consideration.

His excellency the minister, repeating his protests in reference to the orders given by the local authorities and the manner in which they have proceeded, insists that said orders have been given and executed against all persons entering and coming out of the legation. His excellency the minister can be assured the undersigned deploras all errors of this kind by the police agents, that may have been committed against any person not comprehended in the number which they should watch and even arrest. According to the literal purport of those orders and the reports from the intendente, these orders extended but to persons against whom there were motives for suspicion, or against those whom they knew were instruments of intrigue for the refugees, who have not and can not form a formidable conspiracy, but who are inclined towards creating disturbances quite as illegal as impotent, and of which the intendente has proofs.

The significance, extent, and purpose of these orders and of their execution are looked upon quite differently by his excellency the minister from how they appear to the undersigned; perhaps not only from the difference of positions, and the respective information, but also from the general estimation and criterion which have dictated the words of both.

On the part of the intendencia there has been no desire to inflict injury nor to occasion vexation to the legation and its personnel; and if any of the police agents have molested any person—even if it did happen—no offense or injury was intended, since the molestation was suspended and remedied as soon as it was possible to do so.

As regards the imprisonment of one of the servants of the legation and his retention there for some days, the reports from Señor Lira, the intendente, establish that those arrested and detained "were immediately put at liberty, with the exception

of one Señor Camales, ex-official of the dictatorial army;" amongst the servants, or those who said they were, the intendente says there was found one Celestino Blanco, one Luis E. Estrella, and one Francisco de Toro Valenzuela, concerning whom abound motives sufficient not only to retain, but to imprison them.

Besides, a Mr. Luis Bansi, although not of the same category as those already mentioned, gave motives for being detained.

In possession of some of these there have been found data and instructions that justify these proceedings toward them by the police.

Is there, when he affirms to the contrary, a mistake on the part of the honorable minister plenipotentiary, or rather is there inexactness in the information received by him?

Is there a mistake on the part of the undersigned, and is there an inaccuracy in the reports received by him?

As the position of things is not being kept back, but is being developed and on the way to be cleared up and brought to an end independent of the will or opinion of his excellency the minister, as well of those of the undersigned, soon the results will answer these questions.

Concerning the safe-conducts asked for but not conceded, the undersigned in not granting them was far from wishing to manifest anything but deference toward the legation, and neither did he show any inequality of action between the different legations nor to the refugees within them. He but submits himself to the obligations and duties of the office which he occupies, and he should comply and make others comply with their legal dispositions, and more especially with those that refer to the administration of justice and proofs of courtesy.

Since the decree of the 14th of last September was published, the persons therein referred to have been subject to the judicial powers of the country, and the Supreme Junta and their ministers have therefore been deprived of the attributions to grant that which has been asked for and which Mr. Egan considers would be a friendly manifestation toward the United States legation.

A safe-conduct under present circumstances and in this particular case, which gives motives to these explanations, would be a grave irregularity and unjustifiable on the part of the Junta, or of its ministers, since those persons have been submitted to the hands of justice in the most solemn form. If, after having done this, the Junta should now give them a safe-conduct, they would be disavowing their own word, and would by so doing release them from the hands of justice and be interfering with the jurisdiction of the tribunals and the action already commenced against them.

The undersigned would be pleased, in addition, to give the assurance that if it were possible without disrespect to the law, the prestige of governmental action, and contrary to the interests of Chile, to give this proof of friendship toward the legation of North America, it should be done.

The undersigned does not consider it necessary to explain that the granting in certain cases of safe-conduct before the 4th of September, invoked or suggested, was not analogous to the present case, which will have to be decided judicially for the reasons herein enumerated.

I reiterate, etc.,

M. A. MATTA.

[Inclosure 2 in No. 209.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, October 16, 1891.

SIR: I have the honor to acknowledge receipt of the note of your excellency dated 9th instant, No. 463.

With reference to the protests made by this legation in my previous notes regarding the vexations inflicted by the systematic arrest of all persons who had during some days gone out from it, and the instructions which I stated I had received from my Government in reference thereto, your excellency has been good enough to express to me, in the communication to which I reply, as follows: "According to the report of the intendente of Santiago and according to the instructions given to him by the ministers of foreign relations and interior since the beginning and during the course of this question, the ingress to and egress from the legation have been free, notwithstanding that persons who have entered or come out and who inspired well-founded suspicions that they were, or might be, agents of illegal attempts on the part of the refugees, may have been arrested and conducted to the intendencia; being arrested not in the house of the legation or even near to it.

"Never, according to the official reports of the intendencia, has there been inflicted, nor desired to be inflicted, vexations nor injury to the legation nor to its chiefs nor to its employés."

And further on your excellency adds: "The undersigned, deploring all errors that may have been committed by any of the police agents against any person not included among those that should be watched and even arrested, can assure the minister that according to the literal tenor of those orders and to the reports of the intendente, same did not extend but to persons against whom there were grounds for suspicion."

"On the part of the intendencia," your excellency repeats, "there was no desire to inflict injury nor to occasion vexation to the legation and its personnel; and if any police agent molested any person, it was not in reality a vexation, because the annoyance was suspended and remedied as soon as it was possible to do so."

I am in a position to affirm that the occurrences did not take place with the measure of discretion which the intendente of Santiago has reported to your excellency, and that it has been matter of public notoriety that during three days all persons were arrested, without distinction, who had gone out from this legation, including citizens of the United States who had come on business exclusively relating to the legation, and that matters were carried to such extremes that it was made difficult and almost impossible to communicate with or visit even the undersigned. Nevertheless I can not do less than recognize that through the serious representations which I found myself in the painful necessity of making to your excellency the situation was changed, and the legation is now reinvested with the guaranties which it should always possess, and which should never for one moment have been forgotten or neglected. I therefore consider it my duty to join with your excellency in "deploring all errors which may have been committed," since, according to the reports received by your excellency, "never has there been inflicted, nor desired to be inflicted, vexations nor injury to the legation, nor to its chiefs, nor to its employés."

Having regard to the gravity of the occurrences which have taken place and in view of the actual situation of the legation, I feel that I should not further treat this point, but remit to my Government all of the facts and leave to it the final resolution with regard to the question.

In regard to the solicitation conveyed in one of my previous notes, in behalf of the political refugees in this legation for safe-conducts to leave the country, and which I urged as an undeniable proof that the refugees were far from occupying themselves in conspiracy, your excellency is good enough to express to me that in not conceding those safe-conducts there has been no intention to show want of consideration for this legation, that since was issued the decree of 14th September last all the persons therein mentioned are submitted to the judicial power, and that the Supreme Junta and its secretaries are therefore deprived of the power to make this manifestation of friendship to the legation of the United States.

Your Excellency adds: "The undersigned would be pleased, in addition to give the assurance, that if it were possible without disrespect to the law, to the prestige of the action of the Government and to the interest of Chile, to give this proof of friendship to the legation of the United States, it should be given."

Your excellency in previous notes has recognized, as your excellency was constrained to do in conformity with the international practices of Chile, the right of asylum, and that this legation had consequently complied with the duties of civilization and humanity in granting it, as it had done, to the political refugees who now find themselves under its protection.

This right having been recognized by your excellency, allow me, your excellency, to entertain the hope that the Government of your excellency, better understanding the facts, may be kind enough to concede those safe-conducts, not alone as a proof of friendship, which should be cordially appreciated by the Government of the United States, but as an act in conformity with the invariable policy of Chile, which, on this question it may be said, has become an international law in South America.

Your excellency will permit me to give a not considerable importance to the note passed by the ministerio of justicia to the promoter fiscal, under date of 14th September last, with the object of initiating judicial action, because it can not escape the excellent judgment of your excellency, that neither a note, nor a decree of the Government, nor even a law of purely local effect, can destroy usages and practices which are international, and which nations establish and recognize in order to maintain and promote their reciprocal relations of friendship.

Your excellency cannot fail to understand that the lively desire which all countries entertain for the preservation of peace and the respect for the practices which form an integral part of their international life could not conveniently be made to depend upon a note or decrees issued by any one government as a measure of internal administration in relation to questions between such government and its citizens.

The proposal to submit to the tribunals the persons enumerated in such note or decree does not require greater consideration, such process being effective against those who are properly in Chilean territory and within reach of the Chilean authorities, but not against those who may have gone out of the country or that may find themselves refugees in a legation or in ships of war of a foreign nation. In the latter cases they could not be considered to come within the judicial power, such political refugees being out of its jurisdiction.

With respect to the political refugees now in this legation, residing virtually within the territory of the United States, whose right of asylum your excellency has recognized, they cannot be considered as submitted to the judicial power, and therefore, according to my judgment, the Government of your excellency is at the most perfect liberty to concede the safe-conducts solicited, and it can do so most logically in accordance with the international principles of Chile, which I take leave to bring to the recollection of your excellency.

In the archives of the ministerio under the charge of your excellency will be found the note of Señor Don Alvaro Covarrubias, in his character of minister of foreign relations of Chile, directed, under date of July 9, 1866, to Señor Don Marcial Martínez, minister plenipotentiary of Chile in Peru, giving instructions to regulate his action in a situation entirely similar to that which has existed and does exist in this country, as the result of a revolution which took place at that time in Peru, and the asylum conceded to various political refugees by Mr. Minister Martínez in his legation.

Señor Covarrubias indicated as a rule of action to the plenipotentiary in Lima, and as a basis of arrangement, the following:

"First. That foreign legations can not grant asylum to common criminals, who should be delivered to the local authorities when they claim them.

"Second. That the legation can concede asylum to political refugees for the time necessary to enable them to leave the country, with which purpose the diplomatic agent should put himself in accord with the minister of foreign affairs of the country to which he is accredited, in order to send the refugees to a foreign country under the necessary guarantees."

According to those instructions, which are perfectly clear, the Chilean minister in Lima, as this legation has grounds to believe, adjusted his action, and the political refugees in his as well as in the other legations were embarked in Callao under the personal custody of the chiefs of the legations and in some cases simply accompanied by the foreign consuls.

This policy of the Chilean Government has been more fully corroborated in a still more recent date.

In the conferences held in Montevideo by the South American International Congress, there was approved a treaty upon the international penal code, in the discussion of which took part the representatives sent by the Government of Chile, Señores Belisario Prats and Guillermo Matta.

The article No. 17 of this treaty, which was approved in the name of the Republic of Chile, and also by the representatives of Argentine Republic, the Republic of Bolivia, the Republic of Paraguay, the Republic of Peru, and the Republic Oriental of Uruguay, and which I copy from pages 305 and 306 of the appendix to "La memoria de ministerio de relaciones exteriores de la República Oriental de Uruguay," is of the following tenor:

"ART. 17. A common criminal who has taken refuge in a legation shall be delivered by the chief of such legation to the local authorities upon the previous demand of the minister of foreign relations, when not done spontaneously.

"Said asylum shall be respected with regard to those pursued on political charges, but the chief of the legation is obliged to immediately bring the fact to the knowledge of the government of the state before which he is accredited, and said government can require that the refugee shall be placed outside of the national territory within the shortest possible period.

"The chief of the legation shall have the right to require in like manner the necessary guarantees to enable the refugee to go out from the national territory, the inviolability of his person being respected.

"The same principle shall be observed with respect to those who may have taken refuge in ships anchored in territorial waters."

As your excellency may see, this article, approved in the name of the Republic of Chile by its representatives in the International Congress, in December, 1888, is in perfect harmony with the instructions forwarded by the honorable Minister of Foreign Relations of Chile, Señor Covarrubias, in July, 1866, to Señor Martínez, envoy extraordinary of Chile in Peru, and both cases corroborate the affirmation which I have made to your excellency that such has been the international jurisprudence and the practice of Chile in the matter of asylum, and of the consequences necessarily and logically derived from such right, those consequences being fully recognized by the Government of Chile in the two cases cited.

The Government of the United States, which I have the honor to represent, expects from your excellency's Government now the same consideration with respect to the political refugees in this legation, and in compliance with the indicated method of proceeding, approved by the representatives of the Government of your excellency, I have the honor to append a list of the refugees at present in this legation.

Your excellency can well understand that the right of asylum carries with it as a necessary consequence the right of safe-conduct, in order that the refugee may go out to a foreign country.

The political refugee finds himself virtually in the territory of the nation whose legation or ship affords him asylum, and no consideration whatsoever of internal private right should prevent him from being transported to a foreign country, as has been done, for example, in the case of the refugees in the ships of war of my own nation and of other nations anchored in the harbor of Valparaiso.

Every right, whether civil or international, when recognized and respected, must receive a national interpretation and a practical method of application.

It should be absurd to consider that the right of asylum, which is accepted more especially in South America, with its logical consequences, should be only an idle name, an expression without a meaning, a mockery for the diplomatic agent who grants it in the name of his country, and a snare for the refugee who avails of it relying on the faith of the nation by the conversion of the legation into a permanent prison.

I am sure that your excellency will coincide with me in giving to the right of asylum the interpretation which the Government of Chile has always considered itself bound to give to it.

The refusal of your excellency to concede those safe-conducts should be a matter of regret to my Government because it could only be interpreted as a serious grievance which the Government desired to impose upon this legation, and particularly as, to do so, it should be necessary that your excellency would forget the international practice of Chile and the agreements entered into in its name.

In a very recent time safe-conducts have been conceded by the Government to refugees who were in this and other legations, and in other places in the city, under conditions much more difficult for the Government which granted them, while the armed struggle was yet undecided, and when the refugees, favored with such safe-conducts, might be able to bring powerful aid to the cause of their party.

In granting those safe-conducts, however, the Government did but due honor to the principles which have directed the international practice of Chile.

For my part, I have no doubt that your excellency will appreciate to their fullest value those important considerations, and I flatter myself with the belief that my Government will receive, on the part of the Government of your excellency, a new proof of the spirit of harmony and cordiality which should govern the relations of the two countries.

Renewing to your excellency, etc.,

PATRICK EGAN.

List of the refugees referred to in the foregoing letter: Señor I. Francisco Gana, Señor Adolfo Ibañez, Señor Juan E. Mackenna, Señor Guillermo Mackenna, Señor José Miguel Valdes Carrera, Señor Ricardo Cruzat, Señor Ricardo Vicuña, Señor Marcial Pinto Agüero, Señor Guillermo Pinto Agüero, Señor Acario Cotapos, Señor Memorino Cotapos, Señor Rafael Casanova Zenteno, Señor Alfredo Ovalle, Señor Hermojines Camus.

[Inclosure 3 in No. 209.]

Decree of Governmental Junta of September 14, 1891.

Decrees and orders of the Governmental Junta; officers of the Dictatorship; ministry of justice and public instruction.

SANTIAGO, September 14, 1891.

Whereas public justice requires that all persons who have taken part in the acts of the Dictator Balmaceda since the first day of January last be immediately held responsible, not only in order that the injury done to the country may be repaired, but also that the offenders may be punished;

Whereas among those persons are Don José Manuel Balmaceda, Ex-President of the Republic, the ministers and counselors of state, the members of the bodies which styled themselves the National Congress, and the municipalities, the intendentes of the provinces, and the governors of the departments, the officers of the exchequer,

the judicial functionaries who filled their offices in virtue of appointments made by the Dictator, and others whose acts have rendered them liable to prosecution;

Whereas in order that judicial action, and the presentation of proof may be expedited, and that the efficiency of the action may not be divided, it is indispensable that these cases be tried at Santiago, since this city was the seat of the dictatorship, and in it were committed or originated the acts whose perpetrators are now to be prosecuted; and

Whereas the action that may be taken by the judicial authorities is no bar to the exercise of the powers which the constitution grants to Congress to indict and try the officers designated by the constitution,

The Governmental Junta decrees:

ART. 1. The public prosecutors of Santiago shall, with as little delay as possible, institute such action as is sanctioned by law against the persons above mentioned.

ART. 2. Messrs. Juan Nepomuceno Parga, José Francisco Fabres, Juan de Dios Vergara Salvá, Luis Barros Borgoño, and Abel Saavedra, attorneys-at-law, are hereby designated to assist the public prosecutors in the discharge of the duties hereby assigned them.

Let it be noted, communicated, and published.

MONTT.

ISIDORO ERÁZURIZ.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 18, 1891. (Received October 19.)

Mr. Egan reports that on the night of the 16th a fight, as to the origin of which he has not yet learned any particulars, took place between American and Chilean sailors, resulting in the killing of one and the wounding of five members of the *Baltimore's* crew and the wounding of one Chilean.

Mr. Egan to Mr. Blaine.

No. 211.] LEGATION OF THE UNITED STATES,
Santiago, October 19, 1891. (Received December 3.)

SIR: On yesterday I had the honor to forward a telegram announcing the occurrence on the night of 16th instant, in Valparaiso, of a fight between American and Chilean sailors, resulting in the killing of one man and the wounding of five others of the crew of the *Baltimore*.

To-day I received from Capt. Schley, commanding the *Baltimore*, a letter reporting the occurrence, inclosure No. 1, together with copy of a letter which he addressed to the intendente of Valparaiso, No. 2.

So far Capt. Schley has not ascertained the causes which led to the disturbance, but the general impression is that the attack was unprovoked and premeditated.

Some weeks ago an attack was made upon a number of the sailors of one of the German ships of war, resulting in the killing of one of the Germans, and it was understood that the attack was made because the Chileans mistook the Germans for United States sailors.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 211.]

*Capt. Schley to Mr. Egan.*U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, October 17, 1891.

SIR: I regret to state that on yesterday about sundown a large number of men on shore created a disturbance with the liberty party of about 120 men from this ship. During the encounter one of the petty officers of this vessel was killed and 6 of my men were dangerously stabbed. The casualties among the shore party I have not learned. The origin of the difficulty I do not yet know, but I have addressed a note to the intendente requesting the fullest investigation in order to establish the proper culpability. I inclose a copy of this to the intendente, who replied that he had already given instructions to fully investigate the affair with a view to ascertain the promoters of the disturbance.

Very respectfully,

W. S. SCHLEY,
Captain Commanding.

[Inclosure 2 in No. 211.]

*Capt. Schley to the Intendente.*U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, October 17, 1891.

SIR: I regret extremely to inform your excellency that, while my men were on liberty yesterday afternoon to enjoy the hospitality of a port with which my nation is upon the most friendly terms of amity, an unfortunate disturbance occurred in which one of my petty officers was killed and six of my men seriously stabbed. I feel that it will only be necessary to request your excellency to institute a most searching investigation into the circumstances leading to this affair, in order to establish the culpability for this unfortunate collision.

I can say in advance that if my men have been the instigators in this affair they will be dealt with most severely under the laws of my country, and I feel certain that if it should be otherwise your excellency will bring to justice all offenders.

Regretting extremely the unfortunate occurrence and the duty it imposes upon yourself and myself, I have, etc.,

W. S. SCHLEY,
*Captain Commanding.**Mr. Egan to Mr. Blaine.*

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 20, 1891. (Received October 22.)

Mr. Egan states that the minister for foreign affairs refuses to recognize analogy of the cases cited by him or to discuss the question of the right of safe-conduct and repeats that the refugees are among those submitted to the tribunals. Safe-conducts have been and may be given, he says, in accordance with courtesy, convenience, and will of the Government and of the country and with certain restrictions and conditions; they can not modify refusal to grant safe-conduct, as motives of justice and convenience still exist. If this refusal should be considered a grievance to the legation of the United States, Chile would be astonished at the fact and would regret it. Mr. Egan regards this as a departure from Chile's well-established policy. Chilean Government refuses by decree issued yesterday to submit certain persons now in the prisons to the courts of justice or to liberate them in accordance with order of the supreme courts. The Liberals gained a decisive victory over the Conservatives or Clericals in the election on the 18th.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 23, 1891. (Received October 24.)

Mr. Egan states that he has informed the Chilean minister for foreign affairs that he will, in view of the refusal to grant safe-conduct to the refugees contrary to Chile's well-established international policy, suspend the discussion until his Government resolves what it considers proper under the circumstances. Mr. Egan pointed out to the Chilean minister, however, that the legitimacy of the asylum in this case having been repeatedly admitted, the refugees can not be considered subject to judicial power without the consent of the Government of the United States, and that, as the decree of October 19 nullifies the reason advanced in the minister's previous notes for refusing safe-conduct, and the minister having admitted that safe-conducts have been and may be given, the interpretation of the United States of the refusal as an act of slight courtesy and consideration can not be a cause for surprise.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 23, 1891. (Received October 24.)

Mr. Egan reports that he has just received from commanding officer of the *Baltimore*, according to instructions of the Navy Department, a full report of the assault upon his men, showing it to have been brutal and unprovoked, and implicating the police as having participated in it. He says that particulars have been cabled to the Secretary of the Navy and that he will not take any action until he receives instructions.

Mr. Wharton to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1891.

Immediately upon receipt of information of the assaults made, on the 16th inst., in the streets of Valparaiso, upon a number of American sailors belonging to the United States man-of-war *Baltimore*, now in that harbor, the commander of that vessel, Capt. W. S. Schley, was directed to cause an immediate and thorough inquiry to be made into the origin and incidents of that tragic affair and communicate the results simultaneously to this Government and to you. His report, under date of yesterday, has just been transmitted to this Department by the Secretary of the Navy, who advises me that a copy of the report was forwarded by Capt. Schley to you.

You will observe that the board of officers selected by Capt. Schley

to investigate this affair report that our sailors were unarmed and gave no provocation; that the assaults upon them were by armed men, greatly superior in numbers, and, as we must conclude, animated in their bloody work by hostility to these men as sailors of the United States. You will also notice that the character of some of the wounds indicate that the public police, or some of them, took part in the attack, and will also observe that other American sailors were, without any apparent fault, arrested and for some time held by the authorities. The friendly efforts of a few of the public officers to give succor to our men furnish the only redeeming incident of this affair. This cruel work, so injurious to the United States, took place on the 16th instant, and yet no expression of regret or of a purpose to make searching inquiry, with a view to the institution of proper proceedings for the punishment of the guilty parties, has been, so far as I am advised, offered to this Government.

You will at once bring to the attention of the Government of Chile the facts as reported to you by Capt. Schley, and will inquire whether there are any qualifying facts in the possession of that Government or any explanation to be offered of an event that has very deeply pained the people of the United States, not only by reason of the resulting death of one of our sailors and the pitiless wounding of others, but even more as an apparent expression of an unfriendliness toward this Government which might put in peril the maintenance of amicable relations between the two countries. If the facts are as reported by Capt. Schley, this Government can not doubt that the Government of Chile will offer prompt and full reparation. You will furnish the foreign office a full paraphrase of this dispatch and report promptly to this Government.

WHARTON.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 26, 1891. (Received October 27.)

Mr. Egan reports that, in replying to his note of the 22d instant, the minister for foreign affairs persists in his refusal to grant the refugees safe-conduct. He considers the discussion closed, and declares the further exchange of notes on the subject useless.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 26, 1891.

Mr. Egan states that he has communicated the Department's telegram of the 23d instant to the minister for foreign affairs, and asks what reparation will be expected if the facts be as reported by Capt. Schley.

Mr. Egan to Mr. Blaine.

No. 213.]

LEGATION OF THE UNITED STATES,
Santiago, October 26, 1891. (Received December 3.)

SIR: I have the honor to refer to my dispatch, No. 209, and to say that under date of 20th instant I received from the minister of foreign relations a reply to my note of 16th instant, a translation of which is inclosed. (Inclosure No. 1.)

In this note the minister maintains the opinion expressed by him in previous notes regarding the action of the local authorities toward the legation. He declines to argue the question of safe-conducts to enable the refugees to go out of the country, and refuses to recognize the precedents cited, although one of them, the resolution adopted in the Congress of Montevideo, in December, 1888, and approved in the name of the Republic of Chile, which has almost the force of an international compact, clearly and distinctly gives the right to the chief of a legation which has given asylum to require from the Government safe conduct to enable the refugee to go out of the national territory. He also seeks to maintain that the greater number of the refugees in the legation are, under the decree of 14th September last, submitted to the regular tribunals of justice.

I forwarded, on 20th instant, a synopsis of this note by telegraph.

On 22d instant I replied, as per copy inclosed (No. 2), pointing out the avoidance on the part of the minister to take into consideration the international principles and policy that had been always followed by Chile in regard to this right of asylum, and the natural and indispensable consequences derived therefrom, and suspending discussion upon this point until my Government, acquainted with all the facts, shall resolve what it considers proper under the circumstances.

I at the same time called the attention of the minister to the fact that having on three consecutive occasions distinctly admitted that the asylum had been legitimately granted he could not, without the will and permission of the Government of the United States, consider the refugees in this legation as submitted to the judicial tribunals.

I also pointed out that the decree of 14th September, which he put forward in a previous note as a reason why the Junta de Gobierno could not make this manifestation of friendship toward the Government of the United States, was nullified by the decree of the Junta de Gobierno of 19th instant, a translation of which I inclose (No. 3), which limits the power of the courts and submits thereto only such persons as the Junta de Gobierno may specially name.

I also inclose, for your information, translation of a decision of the supreme court, given on 17th instant (inclosure No. 4), to which the decree of 19th instant was the executive answer.

I concluded by pointing out that as he, the minister, had admitted that safe conducts had been, and may be, given as a matter of courtesy and at the will of the Government, there could not be cause for surprise if the Government of the United States should interpret as an act of but slight courtesy and consideration this refusal now to grant safe-conducts in accordance with the respect due to the invariable practice and international policy of Chile.

The substance of this note I reported by telegraph.

To this note I received to-day, under date of 23d instant, a reply from the minister of foreign relations expressing his belief in the inutility of exchanging further notes "pending the result of governmental

decisions, judicial proceedings, and legislative measures," and declaring that he considered the discussion closed.

Upon this question, therefore, as well as upon that of the action of the Santiago authorities toward the legation, I shall await your instructions.

I inclose a translation of this note (inclosure No. 5).

The blunt refusal on the part of minister of foreign relations to recognize such well-established precedents must place this Government in an awkward position, and it should not surprise me if, when the National Congress meets here on 6th November proximo, there would be an effort made to get out of the difficulty by passing a law granting a general amnesty to all those who took part in the late struggle.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 213—Translation.]

Senor Matta to Mr. Egan.

MINISTRY OF FOREIGN AFFAIRS,
Santiago, October 20, 1891.

SIR: In the afternoon of Saturday, the 17th instant, was received in this department the note bearing date of yesterday, the 16th, which the undersigned hastens to answer, in resuming, responding to, one by one, the four points referred to therein.

The honorable minister plenipotentiary insists in the opinion which he had formed previously, respecting the orders given by the "Intendente," and carried into execution by the police of Santiago; which was to arrest persons entering into and coming out of the North American legation, who were or may have been suspected; and his excellency also stated that he had left the solution of these proceedings to the Government in Washington; and on which the undersigned for his part has already expressed himself, after receiving instructions from the "Junta," and on comparing the reports and orders of the "Intendente," including his opinion on the subject under discussion, the undersigned still maintains his opinions, believing, nevertheless, he has not the right to endeavor to dissuade the minister plenipotentiary of North America from the line of action which he has adopted, considers that this question may now be regarded as exhausted.

The other point which his excellency the minister advances, refers to the reasons and almost rights with which the refugees and he in their aid and protection, can require for them a safe conduct to go out of the country.

The honorable minister plenipotentiary adduces arguments which the undersigned does not think necessary to confute or prolong, because they are based on foundations which are not accepted, nor acceptable in this department, which, by obligations and study, gives more importance than the honorable minister plenipotentiary attributes to the circular of the 14th of September, in which are submitted a list of persons among whom are included the greater number of the refugees now found in the North American legation.

The third point contained in the note of the 16th of October, referring to analogous arguments and precedents established in this department to prove that it is a legitimate right of the legation which gives the asylum to require a safe-conduct for the refugees, limiting therefore the penal jurisdiction of the country in which is its place of residence to the penalty of banishment, which the undersigned does not recognize nor could any one recognize in the post which he now actually occupies.

The safe-conducts have been and may be given, but in all cases, not in virtue of sufficient rights on the part of the legation giving the asylum to demand or receive them, but of the courtesy, convenience, and will of the Government, and of the country in which resides the legation, and in certain cases and under certain restrictions by which they are dictated, not by the prescription of certain laws and statutes, but by those of honor, discretion, and delicacy. Safe-conducts, some recently and others more remote, which emanated from the free will of the person governing, without offending the law and thereby thinking to serve the interests of the country, may have been given, and if such case be examined into, it will be seen that they are of a very different order, and have other significations than the safe-conducts now solicited.

The reasons of justice and convenience which previously dictated the refusal to

grant the safe-conducts, still existing, the undersigned believes it his duty not to modify his resolution, and would regret much, and even should be much more surprised, that the powerful Government of the great North American people would interpret as a serious grievance which the Chilean Government desires to inflict on its legation, the legitimate use which it makes of its privileges, to decide a question that is united not only with the prestige and the antecedents of the Supreme Junta, in whose name I speak, but also with the interests, the decorum, and the jurisdiction of the country.

Notwithstanding these divergencies of opinion, the undersigned avails himself of this occasion to reiterate to his excellency the minister plenipotentiary his distinguished consideration.

M. A. MATTA.

[Inclosure 2 in No. 213.]

Mr. Egan to Señor M. A. Matta.

LEGATION OF THE UNITED STATES,
Santiago, October 22, 1891.

SIR: I have had the honor to receive the note which your excellency has been good enough to address to me under date of 20th instant, No. 560.

Your excellency has been pleased to say that your excellency "gives more importance than the undersigned has attached to the circular of 14th September, which submits to the tribunals of justice a list of persons, among whom are included the greater number of the refugees in the legation of North America," and that, the motives of justice and convenience which dictated the refusal to concede the safe-conducts solicited by this legation still continuing, the Government, in whose name your excellency speaks, found itself unable to modify the resolution adopted.

In another part of the communication your excellency says:

"Safe-conducts have been and may be given, but in all cases not in virtue of sufficient right on the part of the legation giving the asylum to demand or receive them, but of courtesy, of convenience, and of the will of the Government and of the country within which resides the legation."

Your excellency avoids entirely, in the note to which I reply, to take into consideration the irrefutable reasons advanced in my note of 16th instant, in which are proven by evidence what have been the principles and what has been always the international policy which, in a manner permanent and invariable, have been uniformly followed by Chile with relation to the right of asylum, and the natural and indispensable consequences derived from such right.

This refusal on the part of your excellency to recognize principles which form the international history of nations, which serve to regulate their relations with each other, and which become and constitute an obligatory right and duty for the country which has established and practiced them, I may be excused from further considering in my reply to this note of your excellency. I therefore leave in suspense all discussion upon this point until my Government, acquainted with all of the facts, may resolve what it considers proper under the circumstances.

At the same time I cannot refrain from calling the attention of your excellency to assertions which I am unable to understand as satisfactory, and which without doubt must make a painful impression upon my Government.

In the note of your excellency of 26th September, No. 304, your excellency recognizes, as your excellency was obliged to do, the perfect right with which the undersigned had proceeded in giving asylum to certain political refugees. Your excellency states that:

"The asylum emanated from the principle of extraterritoriality inherent to the person, the house, and the vehicles of the diplomatic agent."

In another part of the same note your excellency corroborates the same recognition of this right, adding:

"Notwithstanding that this department has been informed of the measures that have been taken in order to prevent the refugees in said legation from abusing the protection which had been legitimately afforded to them."

And again in the note of your excellency of 29th September, referring to arrests which had taken place of various persons on going out of the legation, your excellency says that same resulted: "Not from the action or official measures of the authorities, local or national, but from the concession, which the undersigned believes lawful to certain offenders called political."

It is then recognized by your excellency on three consecutive occasions that in

granting asylum to the political refugees this legation has acted with perfect correctness in virtue of the principle of extraterritoriality accepted by your excellency, and this being so it is entirely inexplicable to the undersigned that your excellency could consider as submitted to the tribunals by the circular of 14th September, the refugees in this legation, who are beyond the reach of your excellency, and of the judicial power to which your excellency refers.

The house of this legation is considered as an integral part of the United States, and without the will and permission of my Government your excellency could not consider as subject to the judicial action of Chile those persons who, from every point of view, are beyond its jurisdiction.

It is not possible to give, under those circumstances, to the circular of 14th September the significance which is attributed to it by your excellency; and this circular, to which your excellency attaches capital importance, loses besides its value and authority in view of the decree issued 19th instant by the Supreme Junta de Gobierno, of which your excellency is the worthy secretary of foreign relations.

In this decree is established that—

"Until there shall be reestablished the proper administration of the constitutional powers the persons arrested for offenses committed during the dictatorship, or for complicity in them, shall not be put at the disposition of the regular courts, with the exception of those who shall be specially named."

In the note of your excellency of the 9th of the present month, No. 463, your excellency was good enough to say to me, as a reason or excuse for not conceding the safe-conducts, as follows:

"Since was issued the decree of 14th September last, by which were submitted to the judicial power the persons therein mentioned, the supreme Junta and its secretaries have been deprived of the power to grant that which has been asked and which Mr. Egan believes, as in other circumstances it would be, a friendly manifestation toward the North American legation."

In view of the facts it is not possible for me to explain to my Government in a satisfactory manner the impossibility in which your excellency represents yourself to be to concede the safe-conducts solicited; since by the supreme decree of 14th September your excellency considers yourself unable to grant them by reason of the Supreme Junta having delegated its powers to the action of the tribunals; and by the supreme decree of the 19th of present month the Supreme Junta, not considering reestablished the constitutional regimen, decreed that there should be placed at the disposition of the regular tribunals only such persons as they might determine.

Your excellency has recognized that safe-conducts, *have been and may be given* as acts of courtesy and at the spontaneous will of the government of your excellency.

There can not, therefore, be cause for surprise on the part of your excellency if the Government of the United States should interpret as an act of but slight courtesy and consideration, that the Chilean Government having the power in its hands to make this friendly manifestation should not wish to do so in accordance with the respect due to the invariable practice and international policy of Chile.

Again renewing to your excellency the assurances officially and personally of my highest consideration and esteem, I have the honor, etc.,

PATRICK EGAN.

[Inclosure 3 in No. 213.—Official Bulletin.—Translation.]

Decree of Junta de Gobierno, 19th October, 1891.

SANTIAGO, October 19, 1891.

Considering that for the more rapid reestablishment of constitutional and legal order in the republic it is necessary to impose restrictions upon individual guaranties with respect to the persons compromised in transgressions during the dictatorship;

Considering that the Junta del Gobierno finds it its duty to adopt preventive measures necessary to make effective the responsibility of those persons, until there shall be reestablished the proper administration of the constitutional power;

The Junta del Gobierno decrees: That until shall be reestablished the functions of the constitutional power, the individuals imprisoned for criminal acts during the dictatorship, or implicated in them, will not be placed at the disposition of the ordinary justice excepting those who shall be specially named.

The decree of the 4th of September, of the present year, in which was ordered the reestablishment of the ordinary tribunals, shall be understood and interpreted with the foregoing restrictions.

Let it be recorded and published.

(Signed:) Jorje Montt, Waldo Silva, Barros Luco, M. J. Yrarrazaval, M. A. Matta, Ysidoro Errazuriz, J. Walker, M. A. Holley, Agustin Edwards.

[Inclosure 4, in No. 213.—Translation.]

Decree of Supreme Court, 17th October, 1891.

SANTIAGO, October 17, 1891.

Be it known:—That Francisco Vargas Lazo, in the name of Don Malaquias Concha, has appeared before this tribunal making it known that (the) person in whose name he is taking action has been confined in prison since the 2d of the current month, and for this reason presents this demand, making use of his rights cited in article 134 of the constitution.

Having brought the person detained before this tribunal and there reproducing the heretofore-mentioned complaint, accompanied with a copy of the order of imprisonment, it appears that he has been detained on the grounds of being a political offender.

The report of the señor "Intendente" of the province, which has been received to-day, mentions the acts for which it is supposed he is responsible, and on the strength of which determined his arrest.

Considering:

First. That the regular functions of the tribunals of justice being now established, that they should now proceed in accordance with the constitution and laws; and

Second. That in judging the acts of which, according to the report of the señor "Intendente," for which Don Malaquias Concha is supposed to be responsible, corresponds solely to the ordinary courts of justice.

Being obvious, that disposed, in article 134 of the constitution it is declared that the herein mentioned Don Malaquias Concha should be immediately placed at the disposition of the competent judge.

Signed: Barceló, Riso, Vial, Recabarren, Flores, Gallardo. Decree by the Excmo. Corte Suprema.

[Inclosure 5 in No. 213.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 23, 1891.

SIR: There has been received yesterday evening in this department the note of your excellency dated 22d, and the undersigned proceeds to return the necessary reply.

As the principal points in question have been left by the honorable minister plenipotentiary to the consideration and judgment of his Government, from which he awaits the proper instructions, and as the facts and the time, on the one hand, and the governmental decisions, the judicial proceedings, and legislative measures on the other, must suppress the matter in debate, determining the situation of the persons for whom he requests safe-conducts, which the undersigned persists in denying, it is useless to continue an exchange of notes, which would only lead to a sterile discussion.

For this reason the undersigned considers the discussion closed, without in the least diminishing the consideration, official and personal, toward the honorable minister plenipotentiary, and has the honor, etc.,

M. A. MATTA.

Mr. Egan to Mr. Blaine.

No. 214.]

LEGATION OF THE UNITED STATES,
Santiago, October 26, 1891. (Received December 3.)

SIR: I beg to refer to my No. 202, of 16th September, and to say that the elections held on 18th of present month resulted very nearly as I then predicted.

In the new Senate there will be but 3 Conservatives or members of the Clerical party, the other 29 being composed of the different groups of Liberals and Radicals; and in the Chamber of Deputies, 35 Conservatives and 59 Liberals and Radicals. There is also a substantial ma-

majority of the presidential electors on the side of the Liberal party, but up to the present there is no certainty, and even very little idea, as to who will be selected for the presidency.

I have, etc.,

PATRICK EGAN.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 28, 1891.

Mr. Egan is instructed to maintain his present position, and is authorized to draw on the Department for money to meet the extra expense if needed.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 28, 1891.

Mr. Egan reports that he has written a note dated October 26 following closely the instructions sent him in regard to the assault upon the *Baltimore's* men and that, in his reply thereto, the minister of foreign affairs says that the Government of the United States formulates demands and advances threats that without being cast back with acrimony are not acceptable, nor could they be accepted in the present case or in any other of like nature. He does not doubt the sincerity, rectitude, or expertness of investigation on board the *Baltimore*, but will recognize only the jurisdiction and authority of his own country to judge and punish the guilty in Chilean territory. He says the administrative and judicial authorities have been investigating affair; that judicial investigation under Chilean law is secret and the time is not yet arrived to make known results; when that time does arrive will communicate result, although he does not recognize any other authority competent to judge criminal cases than that established by the Chilean people. Until the time arrives to disclose the result of investigation he can not admit that the disorders in Valparaiso or the silence of his department should appear as an expression of unfriendliness toward the Government of the United States which might put in peril the friendly relations between the two countries. Mr. Egan adds that Capt. Schley reports that the officers of the *Baltimore* were refused permission to be present at investigation and that the American sailors were obliged to sign a paper in Spanish which they did not understand. He will not answer the foreign office note until he receives instructions.

Mr. Egan to Mr. Blaine.

No. 217.]

LEGATION OF THE UNITED STATES,
Santiago, October 28, 1891. (Received December 3.)

SIR: On 23d instant I received from Capt. Schley, of the United States man-of-war *Baltimore*, a communication, inclosure No. 1, transmitting, by order of the Secretary of the Navy, copy of the report of a board of investigation held on board of the *Baltimore* into the circumstances of an attack made upon a number of the sailors of that ship on the 16th instant in Valparaíso (inclosure No. 2).

On same day I had the honor to inform you of same by telegraph.

The following day, Saturday, 24th instant, at night, I received your telegraphic dispatch, and in accordance with the instructions therein contained I addressed on Monday morning a note to the minister of foreign relations (inclosure No. 3) conveying particulars of the killing of Charles W. Riffin, the wounding and death of William Turnbull, and of a number of cases of wounds inflicted upon others of the United States sailors, together with particulars of a number of cases of brutal treatment on the part of the police inflicted upon the men whom they arrested; and I conveyed to the honorable minister the views of my Government in the terms, and almost in the exact language, of the telegram.

I immediately informed you by telegram of having done so.

I inclose a translation of the reply of the minister of foreign relations dated 27th instant, inclosure No. 4, in which he says that my note of 26th instant emits appreciations, formulates demands, and advances threats that, without being cast back with acrimony, are not acceptable, nor could they be accepted in the present case, nor in any other of like nature. He maintains that the only authority having the power to deal with such cases occurring in Chilean territory is that established by the Chilean people, that local authorities are now engaged making investigations, the results of which when completed he will communicate to this legation, and he declines to accept that there was anything in the occurrence which took place in Valparaíso that could imperil the maintenance of friendly relations between the two countries.

I at once conveyed a synopsis of this letter by telegraph, and at the same time I conveyed the information given me by Capt. Schley, that permission was refused to one of his officers to be present at the investigation and that his men were obliged to sign a paper in Spanish which they did not understand.

I shall await instructions before replying to this note.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 217.]

Captain Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaíso, October 22, 1891.

SIR: In accordance with instructions received from the Hon. Secretary of the Navy, I have the honor to inform you that I have instituted a board of investigation, composed of carefully selected officers, to investigate the causes leading to the disturbances which took place on the evening of October 16, while my men were on liberty on shore at this place, during which boatswain's mate Charles W. Riffin was killed; carpenter's mate John Hamilton, landsman John H. Davidson, seaman apprentice John W. Talbot, coal-heaver Jerry Anderson, coal-heaver George Panter, an

usly stabbed with dirks and bayo-

nets, were assaulted and beaten with clubs, and knocked down with stones, while many others of the crew were less seriously injured.

As nearly as the origin of the outbreak can be established, it may be traced to a quarrel between Riggins and a Chilean sailor about 6 p. m. in a saloon. It appears that Talbot came into the saloon at that moment, and, approaching them, he states that the Chilean sailor spit in his face and that he knocked the sailor down. At all events, there appears to have been a crowd on the outside ready and waiting, as numbers of men immediately rushed into the saloon and began the assault on these two men. They escaped and took refuge in a street car then passing, but were assailed there and dragged from the car, and Riggins was stabbed in the back many times by the crowd and left to die in the street. When he was picked up by a shipmate, Armorer Johnson, and in his arms to be taken to a drug-store near by, a squad of police appeared on the scene and one of the number deliberately fired upon these two men. One of the shots entered Riggins's neck, killing him almost instantly.

Talbot escaped with a number of severe stab-wounds in the back, two of which penetrated the lungs, and was arrested by the police subsequently, in a house where he had fled for safety.

Coal-heaver Jerry Anderson was robbed by a mob of least twenty-five persons in broad daylight, and then knocked down and dangerously stabbed several times in the back, one wound penetrating the lungs. This occurred before the disturbance later in the afternoon.

Coal-heaver William Turnbull was stabbed eighteen times in the back and beaten with clubs. As two of the wounds penetrated the lungs, his condition is most critical.

Carpenter's mate John Hamilton was knocked down with stones and then stabbed seriously in the buttock, groin, and back, and has many other bodily injuries. He was afterwards brutally dragged in an unconscious condition by two policemen to the *carcel*.

Coal-heaver George Panter and landsman John Davidson were severely wounded with stones, clubs, and cut with knives. Many others of the crew were assaulted and stoned and clubbed and cut with knives, though to a less serious extent. Complaint is made by several men that after arrest they were "nipped" with cat-gut cords and dragged to the station. In one case a lasso or lariat was used.

The fact that a number of the wounds are recognized as bayonet wounds would appear to point to police participation in some few cases, though I am glad to be able to say that there were some instances in which the officers intervened most courageously to protect our men against the mob.

Thirty-six of my men were arrested and detained in prison and in hospital, then examined, and ultimately discharged, as no proof of their guilt could be adduced. I can personally bear witness to the sobriety, orderliness, good behavior, and politeness of my men to Chilean officers up to 5:30 p. m., when I left the shore, returning to my ship. This fact is corroborated later by many eye-witnesses on shore at or after 6 p. m., when the disturbance occurred.

It is believed that the assault was instigated by Chilean sailors recently discharged from the transports, together with the longshoremen, and that it was premeditated. Several of the men were told to keep within doors after night, as an assault upon them was intended by the crowds. That this was so is shown from the attacks made in widely separated localities in the town while the men were at supper in the hotels and restaurants. It is not believed that the sailors of the Chilean fleet assisted in this work of butchery, as there are instances in which some of them generously assisted our men against the mob and into places of safety, and it is a pleasant duty to dispel this infamous idea as published in the press of Valparaiso.

I can assure you most positively that my men were unarmed and defenseless, and the fact that the police authorities failed to discover an instrument beyond several small pocket knives and a small iron pestle about 4 inches long, such as druggists use, that could deserve the name of a weapon, is a most complete refutation of this charge.

I transmit a copy of the report of the board, and would add that the testimony therein given is corroborated by a score or more of eyewitnesses who denounce the assault as unprovoked and brutal beyond expression.

In times of peace, in the port of a nation with whom we are on terms of amity and friendliness, this brutal assault and butchery of my men is an indignity of such gravity that I have been obliged to refer it in plain terms to the honorable Secretary of the Navy, and in transmitting the report to you I feel certain that it will receive both from yourself and from the authorities that attention and that serious consideration which it merits.

I must add that his excellency the Intendente of Valparaiso and his honor the Juez de Crimen were most humane in hastening the hearing of my men and in promptly discharging them when no guilt appeared.

I have, etc.,

W. S. SCHLEY,
Captain Commanding.

[Inclosure 2 in No. 217.]

Report to Captain Schley by the Board of Investigation.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, October 19, 1891.

SIR: In obedience to your order of October 18, 1891, to investigate the disturbance which took place on the 16th instant, while our men were on liberty on shore, resulting in the death of Boatswain's Mate Charles W. Riggins, U. S. Navy, and the wounding of six others of the liberty party, we have the honor to submit the following report:

On the afternoon of October 16, 1891, about 2 p. m., a liberty party of about 120 men went on shore, C. W. Riggins (B. M.) being among the party.

During the remainder of the afternoon our men were seen by several officers of the ship strolling about the streets in a sober and orderly manner, saluting all officers, American and foreign (especially Chileans).

As far as we have been able to learn from a large number of witnesses who were on shore from this ship, there was no trouble of any moment till a little past 5 p. m.

About this time a large mob, made of civilians, sailors, and soldiers, began throwing stones and shouting "Yanks" at two or three of our men near a saloon called the "True Blue."

From this time on the mob increased, and wherever any of our men could be found they were stoned, beaten and stabbed.

This was not confined to the above-mentioned locality, but extended up town as far as "Plaza Victoria."

The trouble was not the fault of our men, but was caused by the bitter feeling of the mob against our men and the desire to rob them, as several cases of men being robbed occurred in broad daylight.

The police not interfering, the worst of the assault lasted about an hour, and there are many complaints made by the men of brutal treatment at the hands of the police, such as being assaulted with the butts of muskets and kicked, taken to the police station by mounted police, having catgut "nippers" around their wrists, and in one case the arrested man was taken with a lasso around his neck.

The following are some of the cases of brutality committed by the police:

R. I. S. Hodge (S. A. I. C.), U. S. Navy, says that in company with Davidson he started from the Mole to the scene of the riot, when they were assaulted with stones; also that an officer wearing a white cap struck at him with a sword, when he ran. He saw Davidson being beaten, and was then himself arrested.

I. Butler (S. A. I. C.), U. S. Navy, says that he saw Hamilton at the police station lying wounded on the floor. He endeavored to make a pillow for him with his shirt, but was threatened by a policeman with the butt of a musket and made to stop.

C. G. Williams (S. A. I. C.), U. S. Navy, says that he was arrested by a mounted policeman, who put a "nipper" around his wrist and started his horse on a gallop, throwing him down. After he got on his feet the policeman walked his horse to the station.

C. McWilliams (C. H.), U. S. Navy, says that he was arrested and taken to the police station with "nippers" on each wrist and a lasso around his neck, and was also bitten in the arm after being arrested.

J. Quigley (C. H.), U. S. Navy, says that whilst trying to escape from the mob he was struck with a sword by a police officer.

J. Talbot (S. A. I. C.), U. S. Navy, says he was arrested in a saloon where he had closed himself up for safety. He was taken by two policemen (one an officer) to the neighborhood of the Intendencia, and was there turned over to a mounted policeman and one foot policeman, and "nippers" placed on his wrists. On the way to the police station he was repeatedly struck by the policemen with their fists. On arrival there it was only by urgent demands of one of the men that Talbot's condition received attention. He was finally taken, in company with Panter and Hamilton, to the hospital in a carriage.

The men that were stabbed were all stabbed in the back while either running before the mob or after having been knocked down on their faces with stones, etc.

The circumstances of the killing of Chas. W. Riggins (B. M.), U. S. Navy, were as follows:

It appears that C. W. Riggins and an apprentice named J. W. Talbot were drinking in a saloon called the "True Blue" with a Chilean sailor. A dispute arose and the Chilean spit in Talbot's face. Talbot knocked the Chilean down, and during the fight between them there a mob of sailors and civilians rushed in upon them. Riggins and Talbot forced their way out and jumped on a passing horse car. The mob boarded the car and forced the two men off the rear platform. They again ran, after fighting their way clear.

The next information we have of Riggins was, he was seen by J. M. Johnson (armorer),

U. S. Navy, in the hands of a crowd, being stabbed, Riggins at the time being down and four policemen standing around him. The locality was Calle Arsenal. Johnson saw the stabbing from an upper room of an English boarding house. The mob left Riggins and Johnson went to his assistance. He found him face down and apparently dead, with several stab wounds. Johnson raised him, and after a few minutes Riggins showed signs of life.

Johnson attempted to carry him to a drug store near by, but had proceeded but a short distance when he saw a squad of police with fixed bayonets charging up the street. When at close quarters they fired at Johnson, the muzzle of one piece being so near that Johnson's face was blackened by the discharge. A second shot was fired from Johnson's right, the bullet passing over his right breast, through his overshirt undershirt and neckerchief, and striking Riggins in the neck. His head fell on Johnson's left arm, as though his neck had been broken. Some one in the crowd shouted to Johnson to drop him or he would be the next.

Johnson dropped Riggins and escaped. Later in the evening Riggins's body was taken to the hospital.

In addition to the killing of Riggins, a number of men were wounded in different ways, as follows:

W. Turnbull (C. H.) has eighteen wounds in back, two of them entering the lung; also two contused wounds of head and several other bruises. Some of his wounds were made with a bayonet.

J. Hamilton (C. M.) has a wound of buttock and right loin, two contused wounds of head, and several stabs in back made with bayonet.

J. Talbot (S. A. I. C.) has two penetrating wounds of back, which entered the lung between the seventh and eighth ribs also a number of severe bruises about the body.

G. Panter (C. H.) has one contused wound of head and a number of severe bruises.

J. H. Davidson (Lds.) has a contused wound of the head, and his body severely bruised.

J. Anderson (C. H.) has two incised wounds of back, on left side, one made with a bayonet, entering the lung. This wound is downward and slanting between the seventh and eighth ribs, and is 5 inches in depth. It is of a very serious nature.

W. Caulfield (P. M.) has a severe confusion of right knee and calf of right leg.

F. Quigley (Q. C. F.) has severe sprain of right thumb.

J. Clifford (Drum.) has confusion of left eye.

M. Houlihan (Q. C. F.) has an incised wound of left thumb, extending down to the bone and joint and may leave him a stiff joint.

T. Smith (S. A. Q. C.) has an incised wound of the scalp on right side, and his body is severely bruised.

J. Butler (S. A. Q. C.) has an incised wound on right side of scalp; also a severe confusion of right arm and leg.

J. McBride (J. C. F.) has an incised wound of left wrist and a contused wound at back of the head.

J. Gillen (C. H.) has sprain of left wrist.

W. Lacy (C. H.) has contused wound of back of head and incised wound of elbow joint, which may leave him with a stiff joint.

R. I. Hodge (S. A. I. C.) has two contused wounds of the head, made with a blunt instrument.

I. Rooney (C. H.) has body severely bruised by clubs and stones, which may be followed by pneumonia.

H. Fredericks (O. S.) has an incised wound over right eye, which will leave a very ugly scar.

Thirty-six of our men were arrested, five of whom were sent to the hospital on account of their wounds, and thirty-one confined in police stations.

We believe that most of the sailors mentioned in the mob were men recently discharged from the Chilean fleet. In one case Chilean men-of-war-men assisted one of our men against the mob.

The statement that has been made that our men went on shore armed is false, as the only evidence to support this statement is the list of arms said to have been taken from our men by the police, which is as follows:

Seven ordinary pocket-knives.

One iron pestle (about 4 inches long).

Very respectfully,

S. H. MAY,
Lieutenant, U. S. Navy.

JAMES H. SEARS,
Lieutenant, U. S. Navy

STEPHEN S. WHITE,

Passed Assistant Surgeon, U. S. Navy.

I certify the above to be a true copy.

W. S. SCHLEY,
Captain, Commanding.

[Inclosure 3 in No. 217.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,
Santiago, October 26, 1891.

SIR: In compliance with instructions received from my Government it is my duty to bring to the attention of your excellency a most painful occurrence which took place on the 16th instant, in the street of Valparaiso, in the form of an assault upon a number of sailors belonging to the United States man-of-war *Baltimore*, resulting in the death of two men and the wounding, more or less seriously, of some seventeen others.

Immediately upon the receipt by the Navy Department of the United States of information of the assault, the commander of the *Baltimore*, Captain Schley, was directed to cause an immediate and thorough inquiry to be made into the origin and incidents of that tragic affair, and to communicate the result simultaneously to the Government of the United States and to this Legation.

The result of this inquiry, made by a board composed of carefully selected officers of the said ship, is now received, as well as a report from Captain Schley, which show that the sailors of the *Baltimore* were unarmed, were entirely correct and orderly in their conduct, gave no cause of provocation, that the attack was apparently premeditated, and that the assaults were made by armed men greatly superior in numbers, and who, as my Government must conclude, were animated in their bloody work by hostility to those men as sailors of the United States.

The outbreak appears to have been begun by a Chilean sailor spitting in the face of one of the sailors of the *Baltimore*, while close at hand was a crowd, composed chiefly of sailors recently discharged from the Chilean fleet ready and waiting for the assault. The two men originally attacked having escaped, were pursued and dragged from a tramway car, and one of them left wounded and dying on the street. While a companion endeavored to assist him to a medical establishment, they were both deliberately fired upon by the police, and the wounded man, Charles W. Riggin, was killed by a bullet through the neck. Then commenced an indiscriminate attack, extending to parts of the city widely distant, against United States sailors wherever they could be found, with corvos, bayonets, clubs, and stones. The police, meantime, either did not interfere to protect them, or joined in the attack, as in the case of the killing of Riggin; or they captured and dragged off to the prison, under circumstances of the utmost barbarity, those United States sailors.

In addition to the killing of Riggin, other men were grievously wounded in different ways, as follows:

W. Turnbull, eighteen wounds in back, two of them entering the lung; also two contused wounds of head and several bruises, some of the wounds were made with a bayonet; this man died on yesterday;

J. Hamilton, a wound of buttock and right loin, two contused wounds of head, and several stabs in back, made with bayonet;

J. Talbot, two penetrating wounds of back, which entered the lung between the seventh and eighth ribs, also a number of severe bruises about the body;

C. Panter, one contused wound of head and a number of severe bruises;

J. H. Davidson, a contused wound of head and his body severely bruised;

J. Anderson, two incised wounds of back on left side. One made with a bayonet enters the lung; this wound is 5 inches in depth and is of a very serious nature; and

W. Caulfield, J. Quigley, F. Clifford, M. Houlihan, F. Smith, J. Butler, J. McBride, J. Gillen, W. Lacey, R. J. Hodge, J. Rooney, and H. Fredericks, wounded in various ways.

Your excellency will perceive from the character of many of the wounds that the public police, or some of them, instead of affording protection to the men assaulted, took part in this cowardly attack and generally acted toward those unarmed men with brutality; John Hamilton, for example, when, after being knocked down with stones, was stabbed seriously in the buttock, groin, and back with bayonets, was afterwards cruelly dragged in an unconscious condition by two policemen to the carcel.

J. S. Hodge, while being assaulted with stones, was struck at with a sword by an officer wearing a white cap.

G. G. Williams was arrested by a mounted policeman, who put a "nipper" around his wrist and started his horse at a gallop, throwing him down. After he got on his feet the policeman walked his horse to the station leading Williams by means of the "nippers."

C. McWilliams was arrested and taken to the police station with "nippers" on each wrist and with a lasso around his neck.

J. Quigley, while trying to escape from the mob, was struck with a sword by a police officer.

J. Talbot, while severely wounded, was arrested in a saloon, where he had taken

shelter from the mob; was dragged through the streets with "nippers" on his wrists, and was repeatedly struck by the policemen.

Over thirty United States sailors were arrested in this manner without any apparent cause, and some of them held for four days by the authorities in prison.

The friendly efforts of a few of the public officers and men of the Chilean fleet to give succor to the men attacked furnishes the only redeeming feature of this affair.

I am directed by my Government to call the attention of the Government of your excellency to the fact that although this cruel work, so injurious to the United States, took place on the 16th instant, no expression of regret, nor of a purpose to make adequate searching inquiry, with a view to the institution of proper proceedings for the punishment of the guilty parties, has been so far offered to the Government of the United States.

I am further, your excellency, instructed to inquire whether there are any qualifying facts in the possession of the Government of your excellency, or any explanation to be offered of an event that has very deeply pained the people of the United States, not only by reason of the resulting death of two of the sailors of my nation and the pitiless wounding of so many others, but even more as an apparent expression of an unfriendliness toward the Government of the United States, which might put in peril the maintenance of amicable relations between the two countries.

If the facts be as reported by Capt. Schley, my Government can not doubt that the Government of your excellency will offer to it prompt and full reparation proportionate to the gravity of the injury inflicted.

Renewing to your excellency, etc.,

PATRICK EGAN.

[Inclosure 4 in No. 217.—Translation.]

Senor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 27, 1891.

SIR: The undersigned received yesterday at 3:30 p. m. the note in which your excellency, under date of 26th instant, complying with the instructions of your Government, makes a statement of the deplorable events which occurred the 16th instant, and after explaining the result arrived at by a commission of officers and the commander of the cruiser *Baltimore*, it emits appreciations, formulates demands, and advances threats that, without being cast back with acrimony, are not acceptable, nor could they be accepted by this department, either in the present case or in any other of the like character.

The undersigned does not doubt nor protest against the sincerity, the rectitude, nor the expertness of the investigations made in relation to the lamentable occurrences between some North American sailors and some discharged Chilean sailors and boatmen, but by duty and in compliance with international rules and customs never denied by civilized nations, he abides by and will abide by, the jurisdiction of the authority of his own country, which are the only ones which have full right and will have sufficient power to judge and punish the guilty whoever they may be and wherever they may be found in the territory of Chile.

The occurrence took place in Valparaiso, and since the date on which it took place the authorities, administrative and judicial, respectively, have been engaged in ascertaining upon whom is the blame and who should be punished in the very deplorable and not yet determined or judged occurrence that took place the 16th instant.

As the undersigned believes, in the post which he occupies, that he has the obligation, most precise and defined, as it is his desire, to cultivate the best relations, not only with friendly countries, but also with those who are their distinguished and authorized representatives, he does not take into account the manner in which the honorable minister plenipotentiary makes his complaints and protests in some parts of his note, and he proceeds to reply to the only two points in it which demand an answer, in order that matters may be placed upon the proper grounds and in the proper light.

The disorder having occurred between American sailors and Chilean citizens, which resulted in the deaths and number of wounded which the note of your excellency states, the authorities to whom corresponds the duty of making the necessary investigations to establish who were the responsible parties and the punishment to be inflicted, and of the result of that investigation, the commander of the *Baltimore* must have received information and testimony since the 22d or 23d of the present month, according to a copy existing in this Department addressed by the intendente

of Valparaiso and transmitted by him in accordance with instructions given under date of 19th instant.

The judicial investigation into these facts, and which in our judicial practice is called summary (sumario), is made in secret up to a certain point, when it may be made public, which time has not yet arrived, and for this reason this department does not possess nor can it transmit the knowledge of the guilt or the guilty which may result from the investigation.

As soon as this investigation shall arrive at a conclusion, and whatever may be its results with respect to the guilt or the guilty, the undersigned will have the honor and will deem it his duty to bring it to the knowledge of the honorable envoy extraordinary and minister plenipotentiary of the United States, whose Government and people have never failed and can not fail to recognize in the other countries with which they have relations of friendship, the privileges and rights of sovereignty, which in no place is more evident and of more proper application than in the exercise of the jurisdiction which belongs to each independent country, although the undersigned does not recognize any other legitimate authority as competent to judge criminal cases occurring in Chilean territory than that established by the Chilean people.

Until the moment arrives to know and to make known the result of the summary relating to the occurrences and the parties culpable on the 16th instant, without accepting that the disorder which occurred in the streets of Valparaiso, and the silence kept by this department should appear as "an expression of unfriendliness towards the Government of the United States, which might put in peril the maintenance of amicable relations between the two countries," the undersigned has the honor to reiterate, etc.,

M. A. MATTA.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 30, 1891. (Received October 31.)

Mr. Egan reports that the investigation of the assault upon the *Baltimore's* men is secret; that, as he is informed, Capt. Schley and the United States consul have received from the judge of crime an invitation to submit evidence and will refer the application to the legation, and that he will await instructions.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 31, 1891.

Mr. Egan received last night from the minister for foreign affairs a note with the report of the intendente of Valparaiso in regard to the assault upon the sailors of the *Baltimore*, inclosed. Like the minister's other note, this note expresses no regret for the occurrence. It states that the result of the investigation now in progress will be communicated to Mr. Egan, and that the real culprits if discovered will receive due punishment.

The report of the intendente of Valparaiso says it is entirely impossible that the police of that city could have committed the cruel and brutal excesses which the United States minister imputes to them and that a mob of 2,000 collected; that the fight, in which all, especially the Americans, fought with stones, clubs, and bright weapons, was general, and that

the only part taken in it by the police and military guard was their endeavor to quell the disturbance and arrest the participators. The intendente professes ignorance of the origin of the fight, but thinks it commenced between drunken sailors. Neither does he know who shot Biggan. He believes the authorities did all they could under the circumstances.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, October 31, 1891.

Mr. Egan states that he will maintain his present position as instructed by the Department.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 1, 1891.

Mr. Blaine instructs Mr. Egan to claim the privilege of reading the paper which the American sailors have signed in secret, in a language they did not understand and without being accompanied by counsel, and to see that no one from the *Baltimore*, officer or sailor, is allowed to testify except in the presence of a friend acting as counsel and in his own language openly and not secretly.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 3, 1891.

Mr. Egan reports that he has advised Capt. Schley to tender evidence in accordance with the telegraphic instructions of November 1, and that the United States consul at Valparaiso reports that the same judge who would not allow an officer of the *Baltimore* to be present permitted the secretary of the German consulate to attend the investigation of the killing of a German man-of-war's man, which took place last month.

Mr. Egan to Mr. Blaine.

No. 220.]

LEGATION OF THE UNITED STATES,
Santiago, November 3, 1891. (Received December 3.)

SIR: I beg to refer to my No. 217, addressed to Mr. Wharton, and have now the honor to inclose a translation of a second note received from the minister of foreign relations, under date of 30th October

ultimo (inclosure No. 1), conveying report from the intendente of Valparaiso in reference to the unfortunate occurrence of 16th of October.

The intendente considers it entirely impossible that the police could have committed the brutalities and cruel excesses imputed to them, and says when the police and other forces arrived on the scene "the mob collected was about 2,000 men, which, from the square of Francisco Echaurren to the Passenger Mole, including the streets or *calles* of Cochrane, Blanco, and the Avenue Errazuriz, formed a real battlefield (*campo de agramonte*), in which all, and especially the American sailors, fought with stones, clubs, and bright arms (*armas blancas*). He claims that the police and soldiers only tried to restore peace; that, under the circumstances, the local authorities could not have done more, and that everything goes to show that the disturbance began by a fight between some drunken sailors. The minister concludes by renewing his promise to communicate the result of the process when concluded.

I communicated the substance of this note by telegram, and shall, as in the case of the note of the 27th ultimo, await instructions before replying.

On 30th I learned by telephone from Valparaiso that the judge of crime had requested Capt. Schley and the United States consul to submit evidence, and that they intended to refer the request to this legation.

In order not to lose time I at once telegraphed for instructions.

I forwarded to Capt. Schley copy of the report of the intendente, conveyed to me in his note of 30th instant by the minister of foreign relations, and have received under date of 1st instant Capt. Schley's reply (inclosure No. 2), in which he says:

The fact that my men, numbering in few cases more than 5 or 6, were attacked by a mob of 2,000 men, and that those of them who were arrested (36 in number) were found when searched to possess only 6 or 7 small pocket knives is a complete refutation of the statement that they were armed as charged by the Intendente.

He bears personal testimony to the orderly behavior, politeness, and sobriety of a very large number of his men whom he met about the streets up to the time he left the shore, about half an hour before the disturbance commenced, and points out that the attack of 2,000 people upon a few unarmed and defenseless men, with the death of one on the spot and one subsequently, and the mutilation by stab wounds in their backs of many others merits to be called a brutal attack.

I received a second letter from Capt. Schley, also under date of 1st instant (inclosure No. 3), giving a list of persons who can give valuable evidence, and transmitting to me copy of the invitation from the intendente to supply evidence, together with his reply, both of which I send attached to inclosure No. 3.

I received on yesterday your telegram of 1st instant, conveying instructions that none of the officers or crew of the Baltimore should be allowed to testify except he be accompanied by a friend as counsel and be allowed to express himself in his own language openly and not secretly, and also instructing me to ask the Chilean Government the privilege of reading the document which American sailors signed in secret without understanding and when unaccompanied by counsel.

I had an interview with the minister of foreign relations on this matter, who explained to me that under the old Spanish forms in use in Chile the judge of crime is entirely independent of the executive in regard to the process of the *sumario*, and is not obliged to give any information or show any of the documents until the process is concluded, and

he regretted that for that reason he could not comply with the request.

I stated that, in order to facilitate the progress of the investigation and to avoid as far as possible the raising of difficult questions, I would suggest to Capt. Schley to tender through the Intendente the evidence of his men upon the conditions named in your telegram, which I explained to the minister, and that I should also suggest to Capt. Schley to make in Valparaiso the request to be allowed to read the documents signed by the sailors.

I addressed last night to Capt. Schley a letter to this effect, copy of which please find herein (inclosure 4).

To-day I received from the United States consul, Valparaiso, a letter (inclosure No. 5) giving me the information that in the case of the stabbing by Chilean sailors of one of the crew of a German war ship (who it is stated was mistaken for an American) Judge Foster, of the court of crimes, the same who is now conducting the investigation into the *Baltimore* case, permitted, in the course of last month, the secretary of the German consulate to be present, while he refused the request of Capt. Schley for permission for one of his officers to attend.

Although not provided for by law it has been the almost invariable custom in Valparaiso, when questions arose involving foreign interests, to invite the consul of the nation interested to be present at the investigation in a case affecting a merchant ship and in the case of a war ship the captain or an officer whom he might depute.

I informed you to-day by telegraph of the course pursued in this case of the German sailor.

I have the honor, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 220.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 30, 1891.

SIR: As there have been made on the part of the legation of which you are the chief, in a note of 26th instant, reproaches and imputations against the members and officers of the police of Valparaiso, until the moment arrives to publish all of the summary (sumario) referring to the occurrences of the 16th and that this department should place it in the knowledge of your excellency, the undersigned esteems it necessary and convenient to transmit to your excellency the report in relation to the facts and investigation which the Intendente of Valparaiso has been able to make in compliance with his duty, and in order to make clear the responsibility and those responsible in the deplorable occurrences of 16th instant.

The following is the report of Don Juan de Dios Arlegui in so far as it refers thereto, founded upon the acts and sayings of the immediate chiefs:

"By these facts your excellency will be acquainted with the extremes of inaccuracy of the charges formulated by the honorable Minister of the United States against the police of this port. Thence it is entirely impossible that the police could have committed the number of brutalities and cruel excesses which are imputed to them.

"The conflict commenced at 6 o'clock p. m. in the streets called the Clave, San Martin, San Francisco, etc., inhabited by people of the lowest grade and full of saloons and sailor drinking-houses.

"The formation of a crowd in a few moments is very easy in those localities.

"At the intendencia was received information at 6.15 o'clock p. m. In the moment orders were given by telephone to the chief police station, also, to that of Santo Domingo, and at the same time to the military guard of the intendencia, so that without losing time there might be brought together the greatest possible force to prevent the conflict. This was done, and when the force arrived, particularly the police, at 6.30 o'clock, the mob collected was about 2,000 men, which, from the Square

of Francisco Echaurren to the Passenger Mole, including the streets or *calles* of Cochrane, Blanco, and Avenue Errazuriz, formed a real battlefield (*campo de agramonte*), in which all, and especially the American sailors, fought with stones, clubs, and bright arms (*armas blancas*).

"The police and soldiers who arrived at the place only tried to make peace and to arrest those most actively engaged on account of the state of excitement or drunkenness in which they were, and to disperse the crowd.

"An hour after, at 7.30 o'clock, all was quiet and the persons captured were placed at the disposition of the judge of crime, who arrived at the place.

"When the police force arrived there was heard behind the back of the captain commanding a shot from some firearm. The captain turned around immediately and saw a sailor of the *Baltimore* fall wounded in the neck. The shot had no doubt been fired from a considerable group of people which was there. It was impossible to discover who had fired or who was with firearms, a thing which can be easily understood if there be taken into account the fact that the occurrence took place in the moment in which the police force arrived at the Plaza Echaurren. The officer dismounted, attended to the wounded man, and conducted him to the drug store of Señor Guzman, in order to procure him medical attendance, and afterwards sent him to the hospital; unfortunately, however, he died on the way.

"I do not believe, Mr. Minister, that the local authorities could have done more than they did upon the occasion of this unfortunate occurrence, in view of the locality in which it took place, the deficiency of the police to look after this extensive and irregular population, and the imprudence of landing on shore at one time 160 men of the crew of the *Baltimore*, according to the reports of the police.

"The precise cause of the disorders it has not been possible to ascertain. I do not know if it will appear from the summary now in progress, but everything goes to show that it began by a fight between some drunken sailors, the same as had taken place a few days before between some German and Chilean sailors."

According to the rule which governs criminal proceedings, while the facts are being investigated the process is kept secret, and hence neither the Intendente of Valparaiso nor the undersigned are in a position to know more than appears from the declarations and reports of certain and specified persons, and are not able to affirm or deny anything in relation to the result at which the judge may arrive in his investigations, which are the more prolonged and complicated the greater are the number of culprits or persons responsible for the crime.

Maintaining the offer made to that legation to communicate whatever may result from the conclusion of the process and being sure that the real culprits being discovered the proper punishment will take place, the undersigned renews to the honorable *envoy* extraordinary and minister plenipotentiary the expression of his high consideration.

M. A. MATTA.

[Inclosure 3 in No. 220.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, November 1, 1891.

SIR: I have the honor to inform you that the following persons have stated that they are able to testify to facts and can give names of individuals who saw and can recognize some of the mob who assaulted and stabbed my men on the evening of the 16th ultimo.

Thomas Riley, keeper of the "Horse-Shoe Bar," is now in Santiago with the English Opera Company. He can give the names of a number of people who saw the stabbing and shooting of Riggins and other attacks on my men.

Andrews Löfquist, having been an eye witness, can testify to the shooting and stabbing of Riggins.

Charles Lanctot gave one of our men citizen's clothes and helped him, after being chased from the Mole up to the Hotel Colon. He can give names of several others who witnessed the assault and can testify that men were sober, and saw Riggins and another man dragged from the car and stabbed. He also knows the names of some others who saw the assault.

Edward Parry, at Lever & Murphy's, saw the shooting of Riggins and assault on other men. He is an important witness.

John Carthy, a negro, now held in jail, saw the killing of Riggins, and can name three men whom he says he saw stab him.

Capt. Jenkins, of the steamer *Keweenaw*, saw the assaults of the mob, and can give names of people who saw the assault and are familiar with the details.

I have informed the Intendente that I had no doubt if application were made to you the information requested in his letter would be furnished, and to that end I inclose his letter to me and my reply.

Very respectfully, etc.,

W. S. SCHLEY,
Captain, Commanding.

[Inclosure 2 in No. 220.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaíso, November 1, 1891.

SIR: In reply to your letter of October 31, inclosing a copy of a communication from the minister of foreign affairs, I would state that neither my letter nor the report of the board of investigation charges the police force and its officials as a body with participation. My report to you states that "the fact that a number of the wounds are recognized as bayonet wounds would appear to point to police participation in some few cases, though I am glad to be able to say that there were some instances in which the officers intervened most courageously to protect our men against the mob."

Complaints are made by men whose names are given in the report of the board of investigation of brutal treatment by those police into whose hands they fell, and I have mailed you a number of names of persons who may be able to give information that will lead to a fuller development of all facts bearing upon this disturbance.

Until all information is before the Intendente and the investigation shall have been concluded, I am unable to understand how he has arrived at the conclusion that the charges made in several instances against the police are inaccurate and could not have been committed by them.

The fact that my men, numbering in few cases more than 5 or 6, were attacked by a mob of 2,000 men, and that those of them who were arrested were found when searched to possess only six or seven small pocket knives, is a complete refutation of the statement that they were armed as charged by the Intendente.

I hope that when the persons are examined, whose names I have sent you, it will be shown that the opinions of the Intendente were expressed in the absence of all the facts of the case and are from that point of view inexact.

I can personally testify to the orderly behavior, politeness, and sobriety of a very large number of my men whom I met strolling about the streets up to 5:30 p. m., when I left the shore, and as the disturbance originated about 6 o'clock, by Riggins' dispute with a Chilean sailor, at which time Riggins must have been sober, as Mr. Lanetot can testify to his and his companions' sobriety when dragged from the car a few minutes before Riggins was killed.

As to who fired the shot which killed Riggins, I think some light will be thrown upon the subject by some of the witnesses whose names I have transmitted this morning.

The attack of 2,000 people upon a few unarmed and defenceless men (and I say defenceless because, when searched by the police, only six or seven pocket knives were found and returned to me by the Intendente after the men's examination, with the death of one on the spot and one subsequently, and the mutilation, by stab wounds in their backs, of many others) surely merits to be called a brutal attack.

I have the honor, etc.,

W. S. SCHLEY,
Captain, Commanding.

[Inclosure 1 to inclosure 3 in No. 220.]

The Intendente of Valparaíso to Capt. Schley.

[Translation.]

REPUBLIC OF CHILE,
INTENDENCIA OF VALPARAÍSO,
Valparaíso, October 29, 1891.

The judge of crime has addressed to me an official letter of yesterday's date, as follows:

"In the proceedings instituted against Charles G. Williams and forty others in the matter of a dispute between North Americans and Chileans, dated on yesterday, the following is decreed:

"It being expedient, for the furtherance of investigations, to make use of the information which the commander of the *Baltimore* and the North American consul have been able to obtain, the intendente of the province is instructed to procure from said functionaries the data referred to.

"The above is hereby communicated for that end.

"God guard you.

"E. FOSTER RECABARREN."

I have the honor to transmit the same to you for the end in view.
God guard you.

J. DE DIOS ARLEGUI.

[Inclosure 2 to inclosure 3 in No. 220.]

Capt. Schley to the Intendente of Valparaiso.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, November 1, 1891.

SIR: In reply to your excellency's note, dated October 29, I have the honor to inform you that as the matter to which it refers has been transferred by my Government to the minister, Mr. Patrick Egan, envoy extraordinary and minister plenipotentiary at Santiago, I would respectfully state that I am of opinion that if application be made to him, your excellency will be supplied with the names of several individuals who will be able in their turn to give you other names of persons who saw the killing of Riffin and the wounding of a number of others of my men during the lamentable disorders of the 16th ultimo.

Regretting that I am unable to furnish, directly, the information you have requested, I have, etc.,

W. S. SCHLEY,
Captain Commanding.

[Inclosure 4 in No. 220.]

Mr. Egan to Capt. Schley.

LEGATION OF THE UNITED STATES,
Santiago, November 2, 1891.

SIR: I beg to acknowledge receipt of your two communications of yesterday, with inclosures, and I am also in receipt to-day of a telegram from the Secretary of State on same subject, copy of which I inclose for your information.

From this telegram you will perceive that the Department sees no objection to officers or men of the *Baltimore* giving evidence before the judge of crime, provided they "be accompanied by a friend as counsel and be allowed to express themselves in their own language, openly and not secretly."

As the Intendente may take your answer of 1st instant as final and may not communicate the request for evidence through the department of foreign relations to me, I would suggest to you the advisability of again putting yourself in communication with him with a view to the production of this evidence, upon the conditions laid down in Mr. Blaine's telegram. There could also be no objection now to your giving to the Intendente direct the names of the witnesses which you have mentioned in your letter to me.

If the evidence be accepted by the authorities, upon the conditions, you will no doubt be allowed the privilege of reading the documents signed by the American sailors in their examination before the judge of crime referred to in your reports, in which case you will oblige me by sending me copies, or if copies be not obtainable, a statement of what such documents contain.

I remain, sir, your obedient servant,

PATRICK EGAN.

[Inclosure 5 in No. 220.]

*Mr. McCreery to Mr. Egan.*UNITED STATES CONSULATE,
Valparaiso, November 2, 1891.

SIR: On the 23d September last one of the men from the German vessel of war named *Nemman* was on liberty on shore and was seriously stabbed.

Judge Foster, of the court of crimes, the same judge and court who have investigated the *Baltimore* killing, investigated the case, and at the investigation the secretary of the German consul at this port was present by permission of the judge. This permission to be represented at the investigation held by the same judge at the same court was denied to Capt. Schley, who made application for same to the Intendente and to the same judge. The investigation in reference to the stabbing of the German sailor was made on the 28th day of October. There is no question in relation to the facts herein communicated.

I am, etc.,

WM. B. MCCREERY,
*United States Consul.**Mr. Blaine to Mr. McCreery.*

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1891.

Give me all the facts you have and all the information you can get relative to riot. Use naval cipher.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 7, 1891.

Mr. Egan reports the ill treatment of Patrick Shields, a fireman of the U. S. S. *Keweenaw*, and an American citizen, who, according to a report from the United States consul at Valparaiso, was arrested for drunkenness, a charge denied by him, kept for several days in jail without process of law, forced to sweep the streets and brutally beaten by police officers. The consul says that he has been medically examined and found to be in a serious condition, and that the local authorities have been remonstrated against.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 7, 1891.

Mr. Egan reports the attacks which a certain part of the press has been directing against the legation for some days and alleging a conspiracy, in which the refugees in the legation are represented as being implicated, for the purpose of murdering the commander of the army,

and mentions one newspaper report according to which the plot originated in the legation, and announcing the arrest of eighty persons. In consequence of this a public meeting was called last evening, at which speeches were made against the alleged conspiracy and resolutions passed calling on the Government to request the delivery of the refugees. Threats of violence against the legation had been previously circulated without hindrance. He says that no hostile demonstration was attempted, the Government having sent a force of cavalry near the legation after the receipt of his note calling attention to the situation, denying *in toto* the charges of conspiracy made against the United States legation and holding the Government responsible for any disrespect shown to the legation. He says that a proclamation was issued by the governor of the province, after the meeting had been held, denying that any designs had been entertained against the life of Col. Canto, or any arrest made, or any necessity existed for a judicial investigation, but adds that some denial should have been made public prior to the meeting and before the legation had been permitted to be publicly denounced.

Mr. Egan to Mr. Blaine.

No. 222.]

LEGATION OF THE UNITED STATES,
Santiago, November 7, 1891. (Received December 14.)

SIR: I beg to refer to my No. 220 and have now the honor to inclose a communication from Capt. Schley, of the *Baltimore*, under date of 3d instant, Inclosure No. 1, transmitting to me copy of a letter which he had addressed to the Intendente of Valparaiso, Inclosure No. 2, giving names of a number of important witnesses, including several of the crew of the *Baltimore*, whom he is prepared to produce upon the conditions set forth in your telegram of 1st instant, together with the reply of the Intendente, No. 3.

I also inclose copy of letter dated 6th instant, received from United State consul at Valparaiso, Inclosure No. 4, informing me that at the investigation into the case of the German sailor who was stabbed recently, the secretary of the German consulate was only allowed to be present while the companions of the wounded man were giving their evidence and not during the entire investigation.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 222.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, Chile, November 3, 1891.

SIR: I have the honor to inclose herewith my letter to the Intendente as suggested by you in accordance with your instructions and my own upon that point.

I inclose also a translation of the Intendente's reply.

I am, etc.,

W. S. SCHLEY,
Captain, Commanding.

[Inclosure 2 in No. 222.]

*Capt. Schley to Intendente of Valparaiso.*U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, Chile, November 3, 1891.

SIR: Since my letter of November 1, referring to the matter of furnishing facts in my possession relating to the disturbance of October 16, I have the honor to say that I can now furnish you with a list of several names of persons who are cognizant of facts bearing upon that unfortunate occurrence.

I have the honor to state that as far as my men are concerned, who can testify as to indignities at the hands of the police after arrest, I can only permit them to testify if accompanied by an officer as counsel and allowed to express themselves in their own language, openly and not secretly. In this event I would respectfully request that I may be allowed the privilege of reading the evidence given.

I inclose herewith a list of names that will assist the authorities in their investigation:

Thomas Riley, keeper "Horse Shoe Bar."
 Andrews Löfquist, Valparaiso.
 Charles Lanctot, Lever & Murphey's.
 Edward Parry, Lever & Murphey's.
 John Cartley (or Carthy).
 Capt. Jenkins, Commanding Steamer *Keeweenaw*.
 Dr. Stanley, now on board this ship.
 J. M. Johnson, armorer U. S. S. *Baltimore*.
 C. G. Williams, apprentice, U. S. S. *Baltimore*.
 P. McWilliams, coal-heaver, U. S. S. *Baltimore*.
 J. Quigley, coal-heaver, U. S. S. *Baltimore*.
 J. W. Talbot, apprentice, U. S. S. *Baltimore*.
 J. Butler, apprentice, U. S. S. *Baltimore*.

There are several others whose addresses are not known at this time, but I will take pleasure in transmitting them to your excellency as soon as I shall obtain them.

I am, etc.,

W. S. SCHLEY,
Captain, Commanding.

[Inclosure 3 in No. 222.—Translation.]

Intendente of Valparaiso to Captain Schley.

INTENDENCIA OF VALPARAISO, CHILI,
Valparaiso, November 3, 1891.

To the commanding officer of the United States cruiser Baltimore:

I have had the honor to receive your note of this date, in which you were pleased to inclose a list of names of persons cognizant of the facts which relate to the unfortunate incident of the 16th of October past.

I am pleased to inform you that your note has been transmitted to the Judge of Crime, who, having in mind the rules of criminal procedure established by our laws, will decide what to permit in order to satisfy the wishes manifested by you.

God guard you.

J. DE DS. ARLEGUI.

[Inclosure 4 in No. 222.]

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, Chile, November 6, 1891.

SIR: Referring to my communication to you of the 2d instant in reference to the Secretary of the German consulate being present at the investigation concerning the stabbing in this city of a seaman belonging to the German vessel of war, upon further inquiry I learn that, at the time that said secretary was present only Germans,

comrades of the injured man, were examined, but he was not present at the remainder of the investigation of the case referred to, if any further investigation was made.

I am, sir, etc.,

WM. B. MCCREERY,
United States Consul.

Mr. McCreery to Mr. Blaine.

[Telegram.]

CONSULATE OF THE UNITED STATES,
Valparaiso, November 8, 1891.

Capt. Schley returned with the *Baltimore* from Mollendo, Peru, September 14 and the usual courtesy and hospitality of the city was tendered to the officers and the crew by the captain of the port, as is customary. On October 16, the excitement having subsided, Capt. Schley granted leave for twenty-four hours to about 100 of the crew, exactly the same as was being done by all of the foreign men-of-war in the harbor. He assures me that at 5:30 p. m. of that date his men were orderly, sober, and well-behaved to everybody they were meeting in the streets. This is corroborated by many others. The disturbance appears to have originated about 6 p. m. in a saloon between one of the crew of the *Baltimore* and a Chilean, who spit in the face of one of the crew of the *Baltimore* who entered at the moment. The *Baltimore* man knocked down Chilean. Then crowd rushed in from the street upon these two men, who escaped, taking refuge on a passing street car, from which they were forced, and both of them were dangerously wounded, Riggins so seriously that he was left to die in the street, and the other, Talbot, escaped and subsequently was arrested. Several others were seriously wounded.

The assault on the *Baltimore* men lasted about one hour. Seems not to have been confined to one locality of the city, but occurred in several, widely separated. Thirty-six of the *Baltimore* men were arrested, five were taken to the hospital, the remainder to prison. These men complained of harsh treatment; several instances at the hands of the police after arrest, and that catgut nippers were placed around wrists and, in one case, lasso was used to take them to jail. One of the *Baltimore* men who had taken Riggins in his arms from the pavement while he was wounded declared that then he was shot by one of a squad of police coming on the scene. The disturbance occurring towards dark, and the men strangers, it is difficult to identify perpetrators of the outrage. Civilians who witnessed the affair fear to testify lest they be thrown out of employment or lose their lives.

Capt. Schley visited the governor on October 18 and asked for immediate investigation of all the facts and the circumstances connected with the affair, requesting representation at the examination. The governor replied that all he could do was to advise the captain to make application to the judge of the criminal court. Application was made to the judge for representation, and denied on the ground that the proceedings were secret. Capt. Schley appointed a board to investigate the circumstances connected with the affair. Synopsis of report telegraphed by him to the Secretary of the Navy. The men in jail were examined secretly and before their discharge were required to sign a paper in Spanish which was explained to be merely a matter of form

stating that signer took no part in the affair. Turnbull, one of the wounded, died October 25 from injuries received. The court has asked for the appearance of several of the wounded of the crew of the *Baltimore* to identify the parties in custody of the court. The men not able yet to appear.

McCREERY,
Consul.

Mr. Egan to Mr. Blaine.

No. 223.]

LEGATION OF THE UNITED STATES,
Santiago, November 9, 1891. (Received December 14.)

SIR: Inclosed I have the honor to hand copy of letter received from the United States consul at Valparaiso, dated 4th instant, inclosure No. 1, transmitting to me copy of his letter to the Intendente of Valparaiso of same date, inclosure No. 2, giving particulars of complaints made by Patrick Shields, fireman on board the U. S. steamer *Keweenaw*, of the brutal treatment which he says had been inflicted upon him by the police after he was arrested on a charge of drunkenness. I also inclose the medical report of Dr. Stephen S. White, of the *Baltimore*, inclosure No. 2, copy letter United States consul 5th instant, inclosing copy of reply from the Intendente, inclosure 3, and a further letter dated 7th instant, from the consul, inclosure No. 4, stating that chief of police says that the name of Shields does not appear upon the books of the police station, which confirms Shields' statement that he was put on the streets to work and subjected to the bad treatment of which he complains without having been brought before any court or judge, although the constitution of Chile provides that all persons arrested must be brought before the Judge of Crime within twenty-four hours from the time of the arrest.

I fully informed you of this case by telegram on 7th instant.

Whatever may prove to be the real facts of the case, the man is very badly injured, and the consul will lose no time in pressing forward the investigation.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 223.]

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, November 4, 1891.

SIR: I inclose herewith for your information copy of a communication this day sent by me to the Intendente of this province, and also copy of a letter written by Stephen S. White, M. D., to Capt. Schley of the U. S. S. *Baltimore* and by him referred to me.

Very respectfully, etc.,

WM. B. MCCREERY,
United States Consul

[Inclosure.]

*Mr. McCreery to Intendente at Valparaiso.*CONSULATE OF THE UNITED STATES,
Valparaiso, November 4, 1891.

SIR: I have the honor to inform you that on yesterday morning, Patrick Shields, a fireman belonging to the American steamer *Keweenaw*, presented himself at this consulate and made complaints in substance as follows:

"On the 24th day of October I was given liberty by the captain of the *Keweenaw* to come on shore; the same day I was arrested by the city police and placed in prison; on the way to jail the policeman struck and kicked me several times. Subsequently, I was released from jail and again arrested, and while in jail was kicked and beaten by the police and inmates of the jail. While there I repeatedly made application to see the United States consul or the captain of my vessel, and was denied. I was finally released on the evening of the 2d instant, without being able to ascertain the cause of my arrest, and was never brought before any court or charged with any crime or misdemeanor. The first night I slept on the hill, in the open air, and was told that an American citizen's life was not safe in Valparaiso. I am in need of medical attention, and apply to the consul for relief."

I immediately sent him on board his vessel and requested Capt. Schley, of the U. S. S. *Baltimore*, to send a surgeon to administer to his wants, who reports to me that this seaman's injuries are of a very serious nature.

I hereby request of your excellency that an immediate investigation be made as to the facts and circumstances attending the injury and treatment of this man, and that the United States consul, or some one by him designated, may be present when such investigation is made.

I await your excellency's reply, and have the honor to be, etc.,

WM. B. MCCREERY,
United States Consul.

[Inclosure 2 in No. 223.]

MEDICAL REPORT OF DR. WHITE.

*Dr. White to Capt. Schley.*U. S. S. CRUISER BALTIMORE,
Valparaiso, November 3, 1891.

SIR: In obedience to your order of 3d instant, 1891, I have examined Patrick Shields, a fireman belonging to the *Keweenaw*, and a citizen of the United States, and find his condition as follows, viz:

A severe contusion on back of head, small cut over right eye, and his body so severely bruised, back and front, from nape of neck to the end of spine, as to render him unfit for duty for several weeks. He says: "I was walking along the street on October 29, when a policeman came up and said, 'you are drunk.' I denied it, but he arrested me, and on the way to the jail struck me several times. I was put in jail with about 150 Chileans, who kicked me and beat me and said that no American or Englishman can live in this country."

"I was released the next morning without a hearing, and was again arrested during the day, why, I do not know, and was treated the same as before. I was put in a gang of workmen and made to sweep the streets, and if I stopped a minute was clubbed and kicked. They gave me very little food while under arrest, and finally released me without any knowing why they had arrested me."

Very respectfully,

STEPHEN S. WHITE,
Passed Assistant Surgeon, U. S. N.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, November 4, 1891.

Respectfully referred to United States Consul Wm. B. McCreery, in accordance with his letter and for his information.

W. S. SCHLEY,
Captain, Commanding.

RELATIONS WITH CHILE.

[Inclosure 3 in No. 223.]

*Mr. McCreery to Mr. Egan.*CONSULATE OF THE UNITED STATES,
Valparaiso, November 5, 1891.

SIR: I herewith transmit for your information a copy of a communication I have to-day received from the governor of the province of Valparaiso in relation to the case of Patrick Shields, a fireman of American steamer *Keweenaw*.

I am, etc.,

WM. B. MCCREERY,
United States Consul.

P. S.—I have not yet heard from the Judge of Crime in reference to the above matter.

[Inclosure—Translation.]

*Intendente of Valparaiso to Mr. McCreery.*INTENDENCIA OF VALPARAISO,
Valparaiso, November 4, 1891.

I have received your official letter of this date in reference to the case of the seaman, Patrick Shields, a fireman of the steamer *Keweenaw*, of the United States merchant marine, and inclosing the report made to you by said fireman with regard to the ill treatment of which he was the victim while on shore.

I have this day transmitted your letter to the Judge of Crime, asking him to take proceedings for the most prompt and thorough investigation of the acts denounced; also desiring the judge to consider the propriety of causing the city physician to identify Shields, and testify as to his condition and the wounds which he is said to have received.

God be with you.

J. DE DS. ARLEGUI.

[Inclosure 4 in No. 223.]

*Mr. McCreery to Mr. Egan.*UNITED STATES CONSULATE,
Valparaiso, November 7, 1891.

SIR: Upon inquiry made by this consulate from the chief of police of this city concerning Patrick Shields, a fireman belonging to the American steamer *Keweenaw*, I learn that this official reported that he did not find Shields's name on the books at the police station; that if Shields has been arrested by the police authorities it must have been for drunkenness, and that when people are arrested for such offense and are not accused of any additional offense which would require their appearance before the Judge of Crimes, their names are not entered in said books.

There is, however, in my opinion, no doubt that Shields was arrested by the police authorities and confined in prison, as he states. The above facts corroborate his statement that he was not brought before any court.

I am, etc.,

WM. B. MCCREERY,
*United States Consul.**Mr. Egan to Mr. Blaine.*

No. 224.]

LEGATION OF THE UNITED STATES,
Santiago, November 9, 1891. (Received December 14.)

SIR: I had the honor to fully inform you by telegraph on 7th instant of an incident which occurred on 6th instant, which for a time looked serious, but that passed over without trouble, and which, owing to the

course that I adopted, resulted in a very complete vindication of this legation.

For several days the wildest rumors had been in circulation, actively promoted by a section of the press, regarding an alleged conspiracy to assassinate Col. Canto, which conspiracy, it was alleged, had originated among the refugees in this legation. The inclosed cutting from *La Union*, of Valparaiso (Inclosure No. 1), will give an idea of how far this was carried, and of course the object was to force out or frighten out the refugees from the legation.

It was proposed to hold a public meeting in the plaza, about three blocks from the legation, on the 6th instant, called by advertisement in the papers and by a proclamation, of which I inclose a translation (Inclosure No. 2). It was also freely threatened that after the meeting the crowd would come to the legation and take out the refugees by force.

I accordingly addressed to the minister of foreign relations a note, of which I inclose copy (Inclosure No. 3), directing his attention to the situation, denying that there could be any grounds for the charges of conspiracy against the persons in my legation, and leaving with his Government responsibility for any act of disrespect that might be directed against the legation.

Very soon after receipt of this note the Government sent a force of cavalry to the neighborhood of the legation and no demonstration was attempted.

The meeting was held at about 5 o'clock and was attended by some 500 or 600 persons. Resolutions were passed and strong speeches made denouncing the supposed conspiracy, calling for the delivery of the refugees, and referring to this legation in not very complimentary terms. Afterwards the resolutions were presented to Col. Canto and to the president of the Junta.

At about 6 o'clock, when the meeting was concluded, the intendente of the province issued, as a result of my note, a proclamation, of which I inclose a translation (Inclosure No. 4), completely denying the existence of such a conspiracy, which official denial is, of course, valuable, but would have been much more so before the meeting was held.

I inclose a copy of the reply of the minister of foreign relations to my note (Inclosure No. 5).

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 224.—Translation.]

From La Union, December 6. By telephone.

The truth of yesterday's news is confirmed.

Eighty prisoners, up to the present, have been taken.

The authorities are reserved, in order to avoid giving alarm.

All needful measures have been taken, and the conspiracy will not, heaven be thanked, have the results proposed by Velasquez and MacKenna.

It is in the American legation that all has been plotted. And it is, thanks to the inexplicable condescension of the Government toward the obnoxious diplomat, that the affair has assumed its present proportions.

To-morrow, in the Plaza de Armas, at 5 p. m., will be held a large meeting to protest against the design to assassinate Col. Canto and other dictatorial machinations.

In this meeting it will be agreed:

(1) To request the Provisional Junta to adopt severe measures for the punishment of the criminal outrages of the dictatorial party.

(2) To make immediately a great manifestation of sympathy for Col. Canto, congratulating him on his escape from the assassin's dagger.

(3) To request the Junta to solicit from the Government of the United States the extradition of the refugees in the American legation.

(4) To request that Herreras Gandarillas, charged with the assassination of Col. Canto, be immediately shot at Santiago.

[Inclosure 2 in No. 224.—Translation.]

Proclamation calling meeting 5th November, 1891.

Citizens of Santiago, awake from the punishable lethargy in which you are submerged! Are you not aware of the terrible attempt meditated and nearly carried into execution by some of the partisans of the dictatorship? Know, then, that the illustrious patriot, the great soldier, the magnanimous citizen, the meritorious Col. Canto, has been on the point of being a victim to the assassin's dagger, employed by those who, in an unfortunate hour and to the shame of our country, sustained for a handful of gold the man who attempted to trample upon our institutions, enchain our will, and blemish our country with the odious crime of a dictatorship.

Citizens, we are free! and for our freedom 10,000 victims have fallen, their generous blood flowing in a hundred battles, fought on the fields of Maipu, Chacabuco, Rancagua, Iquique, Pisagua, Pozo Almonte, Huara, Zapiga, Concon, and Placilla. May the shedding of so much blood be not in vain!

Patent to our memory still are the crimes perpetrated by the dictator and his myrmidons. Shall we permit the continuation of so many crimes, committed with the greatest impunity, without demanding a terrible punishment for the miserable wretches who, from their hiding places, have directed the criminal's arm that perpetrated them? No, a thousand times no! The timepiece of Justice has sounded the hour for chastisement. We will commence by demanding than an exemplary chastisement be given to those who, in a high-handed manner, have attempted the precious life of one of the personalities who with great warmth and patriotism promptly gave their services to the cause of our regenerated politics.

With this motive we invite you to attend the public meeting which will take place to-day at 5 p. m. in the Plaza de Armas.

THE YOUTH OF SANTIAGO.

[Inclosure No. 3 in No. 224.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, Chile, November 6, 1891.

SIR: It has been intimated to this legation that certain demonstrations of hostility against it are contemplated in connection with a public meeting which is called for to-day at 5 o'clock p. m. in the Plaza de Armas, and in connection therewith I inclose to your excellency a copy of *La Union*, of Valparaiso, and of a proclamation which has been circulated inviting the people to this meeting.

The violent manner in which certain organs of the press—as for example, *La Epoca* and *La Union*—pretend to believe that some of the refugees in this legation are conspiring against the public order, obliges me to address to your excellency this note, denying absolutely those assertions which affect me personally as chief of this legation, and to leave with the Government of your excellency under the present circumstances, as also in whatever others may arise, the responsibility of whatever act may affect the respect due to this legation.

I perceive that authorized organs of opinion, like the *Ferrocarril* and the *Porvenir*, after investigating the circumstances of the alleged conspiracy against the public order, give assurances that there is not any foundation for those fears, and that the rumors circulated by the other journals are devoid of truth. Notwithstanding that this should be sufficient to dispose of this calumnious rumors referred to, they are still persisted in with an evident purpose of making difficulties, and I therefore find it my duty to rectify them in all that concerns the legation in my charge. Hoping that your excellency will take the measures that may be considered adequate under the circumstances, I renew to your excellency the assurances of my distinguished consideration, and have the honor to subscribe myself,

Your obedient servant,

PATRICK EGAN.

[Inclosure 4 in No. 224.—Translation.]

Proclamation of the intendente of Santiago.

TO THE PEOPLE OF SANTIAGO:

The rumors circulated in the press in regard to designs against the life of Col. Canto have no foundation. Nobody has been arrested upon the charge and no information has been received to warrant judicial investigation regarding the matter.

CARLOS LIRA.

SANTIAGO, November 6, 1891.

[Inclosure No. 5 in No. 224.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, November 7, 1891.

SIR: There has been received, on yesterday at 4:30 o'clock, the note in which the honorable minister plenipotentiary, accompanied by some printed matter announcing a public meeting, called the attention of this department to the possibility of certain occurrences which the tenor of said printed matter gave grounds for and which it was a duty to avoid.

The present Government, recognizing and permitting the liberty of the press and of public meetings, does not forget, nor can it forget, to exercise the powers of supervision which are imposed not alone by the laws but by the exceptional circumstances from which it (the Government) and the country are issuing; but it does not alarm itself, however it may disapprove the vivacities and misdemeanors of speech, spoken and written, which, as has been observed by the honorable minister plenipotentiary, were not borne out by the results.

With what has been expressed and with the facts in the knowledge of the honorable minister plenipotentiary, reiterating the expression of his consideration, the undersigned subscribes himself.

Your obedient servant,

M. A. MATTA.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 10, 1891.

Mr. Egan reports his official call on the President of the Provisional Government, on the 9th, and says that he was received most cordially, and upon presenting his official and personal congratulations upon his nomination by both political parties for the presidency, was asked to convey the President's acknowledgment and appreciation of the courtesy to the Government of the United States.

Mr. Egan to Mr. Blaine.

No. 226.]

LEGATION OF THE UNITED STATES,
Santiago, November 10, 1891. (Received December 14.)

SIR: On yesterday I called upon the President of the Junta de Gobierno, Señor don Jorge Montt, to offer him my official and personal congratulations upon his unanimous nomination by both the conserva-

tive and liberal parties for the presidency of the Republic. I had with him a most pleasing interview, in which he assured me of his most cordial appreciation of the courtesy which in the name of my Government and personally I had tendered to him, and he begged me to accept and convey to the Government of the United States his very warmest acknowledgments.

In view of the situation, I deemed it well to inform you by cable of this incident, which I did by telegram.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 11, 1891.

Mr. Egan reports that on the 10th the two houses of Congress having met and the Provisional Government resigned, Señor Montt was chosen as President and invested with full powers; that the liberals have been elected to the council of state and all other offices, but that the successors of the conservative members of the cabinet, who all resigned, have not yet been named. Mr. Egan expresses the anticipation that the state of feeling toward the United States will be very much improved under the new order of things.

Mr. Egan to Mr. Blaine.

No. 229.]

LEGATION OF THE UNITED STATES,
Santiago, November 11, 1891. (Received December 14.)

SIR: The two houses of the national Congress met in session on yesterday and proceeded to organize. The three gentlemen composing the Junta de Gobierno, or Provisional Government, resigned; one of them, Señor don Waldo Silva, was elected president of the Senate; the second, Señor don Barros Luco, president of the Chamber of Deputies; and Señor don Jorge Montt, who has been unanimously nominated for the presidency, was temporarily invested by Congress with full presidential powers, pending the regular election by presidential voters and his regular installation. The chamber then proceeded to elect various officers, and its quota of the council of state, and as all were elected from among what is known as the liberal alliance, the conservative members of the cabinet resigned, namely the minister of interior and the secretary of the treasury, and up to the time of writing their successors have not been selected.

Under the new and regular Government I look for a more liberal policy, more leniency toward the vanquished partisans of the late Government and a kindlier feeling toward the United States.

I have, etc.

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 230.]

LEGATION OF THE UNITED STATES,
Santiago, November 11, 1891. (Received December 26.)

SIR: Inclosed I have the honor to hand copy of a further note received from the minister of foreign relations under date of 9th instant, conveying the request of the judge of crime in Valparaiso for information which he desires to obtain in relation to the occurrence with the sailors of the *Baltimore* on 16th October.

I have not yet replied to this note, as I am awaiting from Capt. Schley copies of a correspondence which he has had with the intendente of Valparaiso on same matter.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 230.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, November 9, 1891.

SIR: The judge who is charged with the preparations of the *sumario* in order to investigate the culpability and the culprits in connection with the disorders which occurred on the 16th October, ultimo, has found in the prosecution of the investigation that it was unnecessary in order to obtain all the facts possible conducing to the establishment of the truth, to request those which are in the possession of the commander of the *Baltimore* and of the consul of the United States of North America in Valparaiso.

According to the reports of the judge to the Secretary of State in the Department of Justice, those having been requested by the intendente of Valparaiso, the said commander and consul excused themselves from giving any fact whatever, "on account of having brought the matter to the knowledge of Mr. Patrick Egan, minister plenipotentiary of the United States in Santiago by order of his Government."

The commander adds "that Mr. Egan can supply, on receiving application, a list of names of persons who in their turn can give the names of several others who saw the death of the sailor Riggins and the wounding of various others of the crew of the cruiser."

Such are with the reservations of the case with respect to that which may be considered as affecting the Chilean jurisdiction by certain methods of proceeding and the words in which they are expressed, the points upon which this department of foreign relations desires that, in giving the necessary testimony and conducing to the clearing up of the facts and the investigation of the culprits, the honorable envoy extraordinary and minister plenipotentiary of the United States may be good enough to give information, contributing thus to discover the truth regarding the facts which occurred in the fight of 16th October ultimo.

The delay in the prosecution of the *sumario* has reached already to several days, on account of the excuse on behalf of the sailors of the *Baltimore* to appear before the judge, and now it will be prolonged so much longer as may be delayed the testimony called for by the judge and which, as it appears, is necessary to continue and complete his investigation.

Without prolonging this note by reflections and considerations upon what may be the rules and obligations of the judge in matters of investigation of facts and evil-doers, like those of 16th October, the undersigned calls the attention of the honorable minister plenipotentiary to the necessity, not alone for acceleration, but also for the completion of the *sumario*, that there may arrive to this department his important testimony in order that it may be transmitted to the respective tribunal immediately.

Awaiting the reply and reiterating to your excellency the expression, etc.,

M. A. MATTA.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 14, 1891.

Mr. Egan reports that the former cabinet, consisting of four Liberals and two Conservatives, remain in office, but that it is not believed that this arrangement of the ministerial crisis will endure beyond the present year.

Mr. Egan to Mr. Blaine.

No. 231.] LEGATION OF THE UNITED STATES,
Santiago, November 14, 1891. (Received December 26.)

SIR: As conveyed in my telegram of this date, the ministerial crisis has passed and the former cabinet, consisting of two Conservatives and four Liberals, continues in office, but it is generally understood this arrangement will only hold until the regular installation of the President, on 26th December, after which the liberal alliance, in pursuance of their programme of a strictly parliamentary form of government, will insist upon a ministry formed entirely from the Liberal majority in Congress.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 232.] LEGATION OF THE UNITED STATES,
Santiago November 16, 1891. (Received December 26.)

SIR: With regard to the question of the refugees I may say that the Spanish legation, which was the only one that gave asylum to as large a number as this, only gave the use of unfurnished apartments, and the refugees provided their own support.

Neither as representative of the United States nor personally would I permit this, and all of those who have found shelter in this legation have been treated by me as guests. In this way I have been at an expense during some months past of over \$5,000.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, November 17, 1891.

Mr. Egan reports that he has directed to the minister of foreign affairs a note complaining that on the night of the 16th instant some of the eight or ten men of the secret police, who for two weeks past have been watching the legation, became boisterous under the influence of liquor and from the street used insulting language towards the refugees.

Mr. Egan to Mr. Blaine.

No. 234.]

LEGATION OF THE UNITED STATES,
Santiago, November 19, 1891. (Received December 26.)

SIR: My attention having been called to a number of entirely untruthful and indecent attacks made upon me through the press of the United States, and especially one in the New York Sun of September 30, by a Mr. Julio Foster, who pretended to speak as a representative or mouthpiece of the Chilean Government, I deemed it my duty to bring the matter to the knowledge of the minister of foreign relations, which I did in a note dated 18th instant, of which I send copy herewith (inclosure No. 1). To-day I received the reply of the minister, of which I inclose a translation (inclosure No. 2) stating that his department had no knowledge of Mr. Foster having ever received any special commission or authority whatsoever to warrant him in assuming the rôle which, in the name of Chile, he has pretended to discharge.

In this connection I take leave to inclose, as an indication of how my attitude is appreciated here in Chile, copy of a letter (inclosure No. 3) received a few days ago from Don Adolfo Eastman, ex-president of the Senate, son of English parents, and educated in England, and one of the most highly esteemed and respected men in Chile, even by his political opponents.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 234.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, November 18, 1891.

SIR: As appears from the newspaper cutting which I have the honor to send herewith, from the Sun of New York, of 30th September, a serious and widely circulated journal, Mr. Julio Foster, in this case as in many other publications which he has made in the United States, as well as in interviews given by him in the Chilean legation in Washington to newspaper correspondents, has presented himself as an official delegate or mouthpiece of the Government of Chile.

As this has been very frequently repeated, and in order to communicate to my Government the position which this gentleman fills, and the degree of veracity and importance which are to be attached to his assertions, I beg of your excellency to be good enough to inform me, if, in reality, Mr. Foster has any commission or especial character which would permit him to assume the rôle, which in the name of the Government of Chile, he pretends to discharge.

Renewing the assurances of my high consideration,

I am, etc.,

PATRICK EGAN.

[Extract from New York Sun, September 30, 1891.]

EGAN AND THE CHILEANS—FOSTER SAYS OUR MINISTER HAS BEEN MAKING HIMSELF OBNOXIOUS.

Washington, September 29.—Mr. Julio Foster, who has been acting all summer as the secretary of the delegates from the Chilean Congress party, and who is posing as the mouthpiece of the new Government, talks with remarkable freedom regarding the present situation. He said to-day that he did not believe there was any serious trouble between the United States and Chile. He said that had anything serious arisen the Junta would have communicated at once with Señor Montt. He believed that Mr. Egan had exaggerated the whole matter so as to get the administration to

take up his cause and relieve him from the embarrassment consequent upon the attitude he had assumed as a friend of Balmaceda. Mr. Foster said that the people of Chile knew Mr. Egan and had no confidence in him nor respect for him. They felt that he was largely responsible for the war, because as a friend of Balmaceda he had encouraged him to acts of hostility and assured him of the sympathy of the United States.

Mr. Egan, he said, had excited the displeasure of the people of Chile by his extraordinary course, and if there was a rupture between the two countries, it will be entirely his fault. Mr. Egan had aided and abetted Balmaceda, Mr. Foster said, and had enlisted his Yankee followers in Balmaceda's cause as spies and in other capacities. His whole conduct had been such as to arouse national indignation, and some of the men he was protecting from punishment for violation of the law were, Mr. Foster said, charged with being spies and assassins. Mr. Foster expressed the opinion that Mr. Egan was trying to retrieve the fortunes of himself and others whom he had induced to take up the cause of Balmaceda by kicking up a disturbance. He said he had just received a letter from his son saying that Mr. Egan's son had filed a power of attorney as representative of the parties who were charged with a fraudulent railroad transaction. "Mr. Egan should have been recalled long ago," he said. "Had another man been sent to Chile as soon as it was discovered Mr. Egan was meddling with Chilean affairs there would be no sort of trouble between the two countries. I can not understand why the Administration keeps him there to affront our people. You may depend upon it that Chile will respect law and order, and not do anything which is not warranted by the circumstances, but she will not be bluffed by any peremptory demand made by the United States upon misrepresentations by Mr. Egan."

[Inclosure 2 in No. 234.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, November 19, 1891.

SIR: I have just received the note of your excellency, dated yesterday, in which you ask me if Mr. Julio Foster, now in Washington, is invested with any authority or special commission from Chile, inclosing, in order to justify the inquiry, a cutting from a journal called the Sun, which is published in New York.

In hastening to reply to the honorable minister extraordinary, and being surprised that the question should be directed here instead of to Washington, where Chile has now an envoy extraordinary accredited and received, I have to say that there is no evidence in this department that Mr. Julio Foster has ever received any special commission or authority whatsoever.

With which reiterating to the honorable minister plenipotentiary the expression of my consideration, I remain

His obedient servant,

M. A. MATTA.

[Inclosure 3 in No. 234.]

Mr. Eastman to Mr. Egan.

CERRO ALLEGRE,
Valparaiso, November 11, 1891.

MY DEAR SIR: My wife and myself will leave for Santiago on Friday or Saturday, and you will naturally suppose we should much like to see our near relative Guillermo McKenna, who, in company of his worthy cousin, Don Juan, you have nobly covered under the folds of one of the banners that represents most generously the sentiments of civilization and humanity. May God bless you and yours for all your goodness shown invariably to all Chileans during the hard and difficult times that your diplomatic mission in Chile has had to encounter; but if you have been unfortunate enough to meet with some in this country who have not had the good sense nor the spirit of justice to recognize the exquisite tact observed by you throughout our unfortunate conflict, you will always have in your favor the satisfaction of having nobly complied with your duty to your country and to your own conscience, thus linking the sentiments of the official man with those of the gentlemen.

Wherever destiny may carry us, during the more or less short years we may have to live, you may rest assured that our blessings and our gratitude will accompany you wherever you go, and God, from whom nothing is hidden, will bless you and yours.

As I shall only be two or three days in Santiago, you will kindly advise me on my arrival "Hotel Oddo" if my wife and self can conveniently visit Guillermo at your house, as we would not on any account wish to put you to the slightest inconvenience.

With our united and best wishes to yourself and yours, believe me, my dear sir,
Most faithfully yours,

ADOLFO EASTMAN.

Mr. Egan to Mr. Blaine.

No. 235.]

LEGATION OF THE UNITED STATES,
Santiago, November 20, 1891. (Received December 26.)

SIR: I have the honor to inclose copy of a letter received from Captain Schley, under date of 11th instant, in reference to attack of 16th October on the sailors of the *Baltimore*, with copies attached of accompanying inclosures marked A to G (inclosure No. 1), being his correspondence with the intendente of Valparaiso from 3d to 11th instants.

I have yet received no further official information on this matter, but have reason to believe that, under instructions from the Department of the Navy, the sailors of the *Baltimore* are to-day giving their evidence before the judge of crime.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 235.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, November 11, 1891.

MY DEAR MINISTER: I have the honor to inclose to you the correspondence, lettered and arranged chronologically, which I have had with the intendente of Valparaiso touching the matter of the appearance of my men before the judge of the criminal court to testify in the cause now being inquired into in relation to the assault upon my men on October 16.

As some of these letters to him express conditions and limitations in relation to this matter in accordance with instructions of the honorable Secretary of the Navy, I think I have the right to complain that their publication here in the press of Valparaiso is quite unusual under the circumstances.

With reference to the letter marked C, it was written only after I had sent an officer on the 23d or 24th of October to solicit from the intendente this protection for my officers and men and market boats, but which he did not feel justified to afford or to advise at that time.

Very respectfully,

W. S. SCHLEY,
Captain, Commanding.

A.

Intendente of Valparaiso to Capt. Schley.

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 5, 1891.

The Commander of the Cruiser Baltimore:

The judge of the court of crimes in an official note dated the 3d of the month informs me as follows:

"In the trial against Charles G. Williams and forty others, concerning the affray

of the North Americans with Chileans, under the date of October 31, the following has been decreed.

"Let it be put into execution that the wounded sailors of the *Baltimore* be confronted with the culprits in the affray in order that they mutually recognize each other; and if the former are still in the hospital, let them be summoned to this end. If the contrary be the case, the intendente of the province should act, addressing himself to the commander of the ship, that he may obtain their appearance.

"I communicate this, notifying you that the sailors whose appearance is solicited are: J. H. Talbot, C. Panter, W. Turnbull, J. Davidson, and J. Hamilton."

I have the honor to communicate this to you to the end that you may have the kindness to order, if it would (not?) be inconvenient, the appearance of the sailors to whom the said judge refers.

God guard you.

J. DE D. ARLEGUI.

B.

Capt. Schley to the intendente of Valparaiso.

UNITED STATES STEAMER BALTIMORE (FIRST RATE),
Valparaiso, November 6, 1891.

His Excellency the INTENDENTE OF VALPARAISO:

SIR: In reply to your excellency's letter of yesterday informing me of the decree of the judge of crimes and citing the appearance of J. W. Talbot, George Panter, William Turnbull, J. Davidson, and John Hamilton, that they may confront those accused, I have the honor to state that my surgeon is of the opinion that their appearance at the court for the present would be inadvisable, as they are still too weak and nervously shattered to undergo the ordeal of such excitement. I would therefore suggest that some hour and date, several days in the future be set, when I will send them in charge of one of my officers to testify only under the conditions mentioned in my letter of November 3d.

William Turnbull, one of the witnesses cited by the court, died of his wounds on October 25th.

I have the honor, etc.,

W. S. SCHLEY,
Captain, Commanding.

C.

Capt. Schley to the intendente of Valparaiso.

UNITED STATES STEAMER BALTIMORE (FIRST RATE),
Valparaiso, November 6, 1891.

His Excellency the INTENDENTE OF VALPARAISO:

SIR: As my vessel is at the present time lying in the port of a nation with whom my Government is on peaceful and friendly terms, and as I have not been able to allow my officers or men to visit the shore, or to allow a market boat in the morning with the same assurances of protection as are accorded to the other foreign men-of-war, I have the honor to request that both my officers and men may be accorded the same privileges, the same courtesies, the same protection when on shore as your excellency's Government accords to the officers, men, and boats of other foreign men-of-war nowhere, and which are usual among nations in time of peace.

To this end I await your excellency's reply, and I have the honor to be,

Very respectfully,

W. S. SCHLEY,
Captain, Commanding.

D.

The Intendente of Valparaiso to Capt. Schley.

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 6, 1891.

I have the honor to acknowledge the receipt of your two communications of to-day, one referring to the appearance of the men belonging to the ship under your command, for the purpose of the confrontation decreed by the judge who is conducting

the examination in relation to the unfortunate occurrence of the 16th of October; and the other to the protection you request for the officers of the *Baltimore*, for the crew of said ship when it is necessary or when they wish to come on shore, and for the daily market boats. For this purpose you remind me that the United States is a power which is at peace with Chile, and which, for the same reason, believes itself entitled to the same privileges and protection that Chile affords to the people of the other foreign ships at present in Valparaiso.

As far as the contents of the first of these communications is concerned, I confine myself to saying that I have this day transmitted it to the judge of crimes for his information and legal conclusions.

In regard to the second, this intendencia does not disown the essential incident upon which it is founded, asking the privileges and protection which, as far as it is responsible, it feels disposed to grant to all the commander, officers, and crew of the cruiser *Baltimore*, which you command. And more, it can assure you that from the time that he, the undersigned, took charge, the most clear and definite instructions were given in regard to this matter, and especially with relation to the commander, officers, and crew of the cruiser *Baltimore*.

To-day the undersigned reiterates these same instructions to the commandant of police, ordering that from 6 to 8 a. m. daily there shall be posted at the passenger mole an officer with an appropriate force to protect the market boats that you may send.

But with this idea, I must repeat to you what I said to the officer you sent to me the 24th or 25th of October, asking me if it would be safe for the sailors that might come on shore. On that occasion I said to the officer before mentioned:

It is the duty of the intendencia to protect every person that comes on shore; but as it depends for this only on the police forces, and as these, according to official documents of which the intendencia is in possession, do not inspire the confidence of the commanding officer of the *Baltimore*, I leave to his discretion and prudence the calculation whether it is proper to allow the sailors to come on shore.

In regard to the officers, I do not believe there is any hindrance to their coming ashore, and in respect to the market boats the same precautionary measures will be adopted as when Admiral Valois informed me that his daily market boats were molested at the mole.

I think it opportune to repeat to-day to you the same as I verbally communicated before by means of the officer to whom I have referred, because, believing that you are animated by the best spirit to avoid anything that might give occasion for a conflict of any kind, I feel sure you will proceed with your characteristic prudence.

God guard you.

J. DE D. ARLEGUI.

E.

The Intendente of Valparaiso to Cnpt. Schley.

VALPARAISO, November 9, 1891.

The judge of the criminal court, in an official letter dated the 6th of this month; informs me as follows:

"I was delayed, Mr. Governor, by the translation of the official letter sent to you by the captain of the *Baltimore*, in which he is good enough to communicate a list of names of persons who can be called to depose in the proceedings that this tribunal has instituted in relation to the disorders of the 16th of October last, and I am pleased to inform you that under the act of this tribunal all of the persons indicated have been cited to appear.

"In this communication the captain mentions also several of the crew of that vessel, but to permit them to come and depose he exacts, 1st, that they must be permitted to express themselves in their own language; 2d, that they may be accompanied at the tribunal by an officer who will act as counsel; 3d, that their declarations be public and not secret, and, 4th, that the captain be permitted to read their declarations.

"With respect to the first condition required for the appearance of the *Baltimore's* sailors, you will understand that on the part of this tribunal there is no difficulty in accepting it, nor would they be able to depose in any other way if they do not possess the Spanish language. I am able to add, further, that in giving every facility to the right and defense of the American sailors this tribunal will accept declarations through an interpreter that they themselves may designate, notwithstanding that in the secretary (secretary's office—secretariat) may be found an official of this nature who has never given any reason why his impartiality and discretion might be doubted.

"It does not happen to be same with respect to the rest of the required conditions, to none of which could this tribunal accede, as all of them are contrary to the secrecy which our laws of proceeding in substantiating criminal judgments require while these may remain in a state of inquiry.

"The administration of justice of Chile will not be able to accept, Mr. Intendente, without disgrace to its honor and to the prerogatives that belong to the Republic as a free and sovereign nation, that in virtue of exigencies could neither be justified by law or by right, to make distinctions openly contrary to the laws which our country preserves for the right of all, whether natives or foreigners.

"In regard to this matter I reproduced, besides, the considerations of my letter, No. 406, of this same date, which I have sent to you in reply to the claim that the North American consul has been pleased to make in regard to the sailor Patrick Shields, of the steamer *Keweenaw*, and which you may give to the captain of the *Baltimore* for his information.

"Perhaps, without insisting in his requirements, the captain may be able to obtain what he desires by sending any officer in his confidence, who is a master of the Spanish with the sailors, and who may serve as interpreter."

I have the honor to communicate this to you for your information, also the accompanying copy of the official letter No. 406, to which the said judge refers.

God guard you.

J. DE D. ARLEGUI.

F.

Capt. Schley to the Intendente of Valparaiso.

UNITED STATES STEAMER BALTIMORE (FIRST RATE),
Valparaiso, November 11, 1891.

SIR: I am instructed to accept the conditions of his honor the judge of the criminal court, granting the presence of an officer, acquainted with the Spanish, as interpreter, and that the men of my ship may declare in English during the pending preliminary investigation, on condition that I may be furnished with a copy of the evidence as given in English, read over and signed by the witnesses; it being understood that I will defray any expense incurred in making such copy.

I have the honor to be, sir, your obedient servant,

W. S. SCHLEY,
Captain, Commanding.

G.

The Intendente of Valparaiso to Capt. Schley.

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 11, 1891.

I take pleasure in communicating to you that this intendencia has transmitted to his honor the judge of the criminal court your official note of this date relative to the appearance of the sailors of the ship under your command, involved in the occurrences of the 16th of last month.

God guard you.

J. DE D. ARLEGUI.

Mr. Egan to Mr. Blaine.

No. 236.]

LEGATION OF THE UNITED STATES,
Santiago, November 20, 1891. (Received December 26.)

SIR: For some time past the legation has been surrounded, especially at night, by a number of secret police agents or spies, composed of peones and persons of a very low grade, who have been hanging around the corners of adjoining streets, sitting upon the door steps and

window sills of the adjoining houses, and lying and standing on the sidewalk of the street in front of the legation, and at a distance of only from twelve to twenty paces away from it. Some of these men have even come into the door of the legation and endeavored to induce some of the refugees to go out, offering them security from molestation in exchange for a money consideration, and on some of those occasions these spies approached the legation in a state of intoxication.

On the night of the 15th instant some of these men got drunk, knocked at the windows of the legation and gave expression to gross insults against the refugees. Next day, 16th instant, I reported the matter by note, in moderate terms, to the minister of foreign relations (Inclosure No. 1), and also reported the occurrence to you by telegram.

To this note I received last evening a reply which, as will be seen from inclosed translation No. 2, evades entirely the main question.

I have replied to-day (Inclosure No. 3), pointing out that this whole course of action in surrounding the legation with these spies partakes of the character of a serious impropriety and want of respect towards this legation.

The charges made in the letter of the honorable minister against the refugees, of having "with voice, with gesture, and with action, provoked the passers-by," I know to be entirely unfounded, as are also the charges of indiscretions against employés of the legation, and I can not help feeling surprised that the minister would accept and seriously repeat such statements.

The refugees referred to are gentlemen of distinguished families and of culture, and entirely incapable of such actions as are ascribed to them; and the only time that any of the employés of the legations came into contact with the police agents who are watching the legation was when the fellows came into the legation under the influence of liquor.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 236.]

Mr. Egan to Mr. Matta.

LEGATION OF THE UNITED STATES,
Santiago, November 16, 1891.

SIR: During some twenty days past a group of from 8 to 10 spies of the secret police has been stationed near the door and in the vicinity of this legation creating consequent alarm in those who have occasion to visit it.

In the late hours of last night some of these men gave way to excesses which disturbed the tranquillity of the neighborhood, and in an apparent condition of intoxication they knocked on the windows of the legation and gave expression to gross insults against the refugees whom they had seen in an apartment facing the street. The disorder was only terminated by the intervention of other police agents who arrived at about 2 o'clock a. m. in a carriage and removed those who were causing the disturbance.

I deem it my duty to bring these facts to the knowledge of your excellency in order that as soon as possible your excellency may give the necessary orders for their discontinuance, and that no new element of annoyance may be added to those of which I have had on other occasions to complain to your excellency.

Renewing, etc.,

PATRICK EGAN.

[Inclosure 2 in No. 236.—Translation.]

*Mr. Matta to Mr. Egan.*MINISTRY OF FOREIGN RELATIONS,
Santiago, November 17, 1891.

SIR: Monday at 5 p. m. there was received in this Department the note of your excellency of same date, in which it was stated that "some spies of the secret police stationed near the house and in the vicinity of the legation" had disturbed the neighborhood, knocked at the windows, and gave expression to gross insults "against the refugees whom they had seen in an apartment facing the street," the disorder being concluded by the "intervention of other police agents, who arrived in a carriage" and who removed the disturbers.

Mr. Egan, even in case that the police had not put an end to the disorder, ought to be sure that such misconduct would not find in this department support or excuse, as is the undersigned that the honorable minister plenipotentiary does not approve or sustain the indiscretions of the refugees, who more than once, with voice, with gestures, and with actions, have provoked passers-by, who could not have been and were not police, either secret or public.

Immediately on being received in this Department the note of the hon. minister plenipotentiary there was asked a report from the intendente of Santiago, from which results that Mr. Egan has not been well informed.

Whatever may be the comments which may be desired to be or could be made upon this occurrence and upon those who may have taken part in it, that which is positively proven by the words of the hon. minister plenipotentiary is that the disturbance of the neighborhood and of his house was concluded, thanks to the intervention of the local authority, which does not recognize as its agents the drunken persons who created the disturbance, and who should be punished if found.

This Department does not take into account the reports of the police, which represent not only some of the refugees, but persons who are employes of the legation of North America, as committing indiscretions which might provoke replies and reprisals not pleasing to the rights or the decorum of anybody.

Without more, and reiterating to the envoy extraordinary his expressions of high consideration, etc.

M. A. MATTA.

[Inclosure 3 in No. 236.]

*Mr. Egan to Mr. Matta.*LEGATION OF THE UNITED STATES,
Santiago, November 20, 1891.

SIR: I have had the honor to receive the note of your excellency, dated 17th instant, in reply to mine of the 16th, with reference to the disorders committed by spies or agents of the secret police in the public street in front of this legation after midnight of the previous day.

In my note of 16th, I limited myself to requesting your excellency to be good enough to give the necessary orders that such misconduct might not be repeated, same having disturbed the tranquillity of the neighborhood, although it has been most disagreeable to me to see daily, for more than twenty days, the presence of a number of individuals, amounting at times to eight or ten persons, of bad appearance, surrounding day and night the house of this legation, lying down to sleep on the footpath in front of my house or in the doorways of the neighboring houses.

All this, notwithstanding the arguments advanced by your excellency in a lengthy discussion, partakes of the character of a serious impropriety and a want of respect toward this legation, and it assumes besides a character still more unworthy when these same secret police have entered the doors of this legation, sometimes in a state of intoxication and other times sober, with the purpose of tempting the refugees to go out of the legation, offering them security that they should not be interfered with, and asking rewards in return for their good-will; in other words, playing the rôle of deception toward their employers and of mendicants.

This may be considered satisfactory in its proper place, and your excellency is authorized to give what credit your excellency may deem proper to the unfounded reports which such people may forward through the medium of the intendente of Santiago. The facts which I state are, however, known personally to me and are matter of public notoriety. I think also that your excellency must admit that they are not calculated to promote the maintenance of that spirit of cordial friendship which it is so desirable to cultivate between our two countries.

Again renewing, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 237.]

LEGATION OF THE UNITED STATES,
Santiago, November 23, 1891. (Received December 26.)

SIR: I beg to refer to my No. 223 of 9th instant in reference to the case of Patrick Shields (not Shieldsa, as at first reported), a fireman on board the U. S. merchant steamer *Keweenaw*, and have now the honor to inclose copy of letter from United States consul, Valparaiso (Inclosure No. 1), with attached copy of a letter from the intendente of that port and translation of same, together with copy of a letter from consul dated 11th instant (Inclosure No. 2), detailing the irregular manner in which an attempt was made to obtain the testimony of Shields without any intimation to him, the consul.

I also inclosed copy sworn declaration of said Patrick Shields, made before the United States vice-consul at Valparaiso (Inclosure No. 3); sworn declaration of Charles A. Wheeler (No. 4); sworn declaration of Charles R. Malcolm (No. 5), and sworn declaration of Andrew McKinstrey (No. 6), to all of which, but especially to those of Shields and McKinstrey, I beg to call particular attention as disclosing a case of most brutal treatment without the excuse of any process of law.

I inclose also copy of the second certificate from Dr. Stephen S. White, of the *Baltimore*, which shows the man to be in a bad condition (Inclosure No. 7).

Herewith please find copy letter from United States consul, dated 20th instant (Inclosure No. 8), conveying letter from Shields and his claim against the Chilean Government for the sum of \$5,000 (gold) as compensation for injuries inflicted upon him. In view of the pending investigation and the action upon which the Department may decide in reference to the matter of the *Baltimore*, I considered it more prudent to await your instructions before formally presenting this claim. I inclose note received from United States consul (Inclosure No. 9) regarding the nationality of Shields, with copy of my reply thereto (Inclosure No. 10).

Although I have not made a specific claim, I have brought the case fully before the Government in a note to the minister of foreign relations, dated 23d instant (Inclosure No. 11), and have sent him copies of all of the sworn declarations and medical certificates, in order that he may have full knowledge of the circumstances.

Awaiting your instructions, I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 237.]

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, November 11, 1891.

SIR: I herewith transmit for your information copy of a communication I had received from the governor of the province of Valparaiso, transcribing a letter from the Judge of Crimes of this city, in relation to the case of Patrick Shields.

Very respectfully, etc.,

WM. B. MC CREERY,
United States Consul.

[Inclosure.—Translation.]

*Intendente of Valparaiso to Mr. McCreery.*INTENDENCIA OF VALPARAISO,
Valparaiso, November 7, 1891.

The judge of the criminal court, in communication No. 406, of yesterday's date, writes me as follows:

"I yesterday received your excellency's communication of the 4th instant, in which you transcribe an official letter from the consul of the United States, in relation to a complaint made before that officer by Patrick Shields, a seaman belonging to the merchant steamer *Keweenaw*, who complains of illegal arrest and ill treatment received by him at the hands of the police of this city.

"The consul of the United States requests, in the communication transcribed, the immediate investigation of the occurrences, and in case such investigation is made, he also requests that he or some one whom he may designate, may be present at the same.

"This court immediately commenced the preliminary examination of the case, which will be conducted with special attention and in strict conformity with the rules of procedure established by our laws. Your excellency and the consul of the United States may rest well assured that full and impartial justice will be done.

"Respecting the desire that the consul expresses to be present, either personally or through some one designated by him, at the judicial proceedings which may be held during the investigation, this court can not in any manner comply with them, because, in addition to the fact that compliance therewith would be contrary to the positive provisions which, in our legislation, order the secrecy of criminal trials, they appear to involve the dishonorable suspicion that the court of crimes of Valparaiso might conduct the investigation, not with the purpose of impartiality and rectitude whereby all tribunals of justice should be actuated, but in a sense contrary to the rights of the complaining seamen.

"Our laws, Mr. Intendente, amply protect the rights of all, without distinction of class or nationality, and the undersigned, therefore, could not consent, without detriment to our prerogatives as a sovereign nation, to any endeavor to exact from the administration of justice concessions which are contrary to law, and which can not be granted even to our own citizens.

"This will not prevent the consul of the United States from obtaining every facility to enable him to press his complaint or the seaman from being assisted, if he does not understand the Spanish language, by such interpreter as he himself may designate, in the declarations which he will have to make before this court.

"I communicate this to your excellency in answer to your communication above referred to, and to the end that you may express to the consul of the United States the motives of law and decorum which prevent this tribunal from acceding to his desires."

I transmit the foregoing for your information and other ends.
God guard you.

J. DE D. ARLEGUI.

[Inclosure 2 in No. 237.]

*Mr. McCreery to Mr. Egan.*UNITED STATES CONSULATE,
Valparaiso, November 11, 1891.

SIR: I called upon the judge of the court of crimes, Hon. E. Foster Reabarren, yesterday, in relation to the case of Patrick Shields, and was informed by him that the testimony of Shields had been taken. I afterwards telephoned you to that effect, and obeyed your request to investigate the circumstances connected with the taking of the testimony, and repaired to the steamship *Keweenaw*.

The mate informs me that two persons came on board yesterday forenoon and one of them said he desired to see the man who claimed to have been injured by the police while in prison in this city.

The man Shields was sent for and questioned, but declined to give testimony except in the presence of the United States consul. He was not sworn, and after replying to the questions the party read to him what he claimed he had stated and desired him to sign the paper. Shields declined to sign it, stating that it was incorrect and that he would give no testimony except the consul be present.

At the request of Capt. Jenkins, of the *Keweenaw*, Dr. White, of the *Baltimore*,

examined Shields to-day, and he reports that he is not able to leave the ship and will not be for several days. In case his testimony is again ordered by the court to be taken on shipboard, shall the same be taken unless the consul is present? Please advise me.

Very respectfully, etc.,

WM. B. MCCREERY,
United States Consul..

[Inclosure 3, in No. 237.]

Declaration under oath of Patrick Shields before United States Consul, Valparaiso.

CONSULATE OF THE UNITED STATES OF AMERICA,

Valparaiso, Chile:

On this 18th day of November, 1891, before me the undersigned, vice-consul of the United States of America at Valparaiso, personally appeared Patrick Shields, who being duly sworn deposes and says:

My name is Patrick Shields; am 30 years of age and a native of Ireland. I shipped on the American steamer *Keweenaw* about four months ago at the port of Brooklyn. On the 24th day of October I was given liberty by the chief engineer and by the captain to come on shore. I arrived on shore about 6:30 p. m. and was to return to the vessel on the morning of the 26th. On reaching the shore I went to a place which I think was the English hotel or restaurant and had a bottle of beer. I was along with my shipmate, Andrew McKinstry, and he drank beer with me. I stopped there about five or ten minutes. McKinstry and myself went into a barber shop at about 7:30 p. m. We entered the place and stopped there until we got served, which was about 9 p. m. The barber shop was full of people when we arrived there. I walked about the square until about 11 o'clock, at which time I was arrested by a policeman and taken to prison. He said something to me, but I did not understand him. I was kept in prison the whole night.

During the night the inmates of the prison stole my cap. I pointed the men who stole my cap to the policemen, but they took no notice of me. They released me at about 9 o'clock on Sunday morning. I went to buy a hat, and before I had done so was again arrested by a policeman about half a mile from the police station, at about 10 o'clock that morning, and was locked up in the same prison. On Monday morning I was taken out and they made me sweep the streets until about 5 o'clock p. m. On Tuesday they again made me sweep the streets from daylight until about 5 o'clock p. m. I was released as soon as I arrived at the prison on Tuesday afternoon. I made my way down to the mole, but could not get on board, as I had no money to pay the boat hire and the consulate was closed. I then went up on the hill so that they should not arrest me again, and stayed until about 5:30 of the morning of Wednesday. I slept on the ground. I then came down and was going towards the mole to get into Mr. Murphy's boat in order to get on board my vessel. Before reaching the mole I was again arrested by a policeman and taken to jail. When there about five or ten minutes they made me work in the horse shed cleaning the ground, grinding corn, and carrying hay to the horses. They also made me sweep the streets that day.

At about 12 o'clock that day, in view of treatment received, I made my escape from the horse shed and ran about a quarter of a mile. I was followed by a policeman and the man who takes care of the police horses. The latter beat me on the back of the neck and on my arms with a long stick, and they took me to the horse shed when the same man beat me again, striking me with the same stick on my neck, arms, and back until the stick broke. The policeman also struck me with a broom. I worked there until about 5:30 p. m. and they locked me up in the same prison. I was kept in prison until Saturday evening, and they made me work every day in the horse shed and sweeping the streets. When I ceased to work in the yard, the policeman would strike me on the back of the head with a stick. On Wednesday, at about 1 p. m., I vomited about a quart of blood and bled from the nose and ears in consequence of the beating that I had received.

On Monday evening, November 2, they released me from prison. During the time I was there I asked the policemen on different times to be allowed to see the consul, but they paid no attention to me and they shoved me back. When I was released and going out of prison I told a police officer that I was going to see the consul and report that I had been refused to see him. I went to the consulate at about 6 o'clock that afternoon and found it closed. I could not find out where the consul was living. I could not get on board, as I had no money. I went up on the hill to prevent them from arresting me again. I felt very bad at the time. I sat there until next

morning. I went to the consulate on Tuesday morning, November 3, at about 8 o'clock, and waited until about 11 o'clock, when I saw the consul.

One of my shipmates, Bernard Flanigan, had gone to jail to inquire if I was in prison, but they told him I was not there. I then stated to the consul what had happened to me, and after hearing me he sent me on board *Keweenaw*. My health is better now and I have been doing a little work on shipboard since yesterday. I may mention that my shipmate, Andrew McKinstry, was also arrested by the police and taken to jail. He saw me in prison on Monday, and we were made to do work, grinding corn and sweeping the streets. I have nothing further to state.

[SEAL.]

PATRICK (his x mark) SHIELDS.

UNITED STATES CONSULATE,
Valparaiso, November 18, 1891.

I hereby certify the foregoing to be a true and faithful copy of the original declaration filed in this consulate and taken by me at the request of William B. McCreery esq., United States consul at this port.

Given under my hand and the consular seal the day and year aforesaid.

[SEAL.]

AUGUST MOLLER, JR.,
United States Vice-Consul.

[Inclosure 4 in No. 237.]

Declaration under oath of Charles A. Wheeler.

REPUBLIC OF CHILE,
Province of Valparaiso:

Charles A. Wheeler, being duly sworn, deposes that he is mate of the S. S. *Keweenaw*, of the merchant marine of the United States, and that he is acquainted with Patrick Shields, a fireman in the service of said steamship; that the said Shields was given liberty to go on shore at Valparaiso on or about the 24th day of October last past, and that he returned to the steamship about ten days subsequently in a bruised and injured condition, and that he reported that he had been arrested and confined in the prison at Valparaiso during his absence from the ship, and that the injuries he had received were from the hands of the police of Valparaiso, and that he had been beaten and struck on the back of the head, back of the neck, and on the back by policemen on the streets of Valparaiso and while in prison, and that he was seriously and dangerously injured; that subsequently two men visited the steamship and stated that they were sent by the court of crimes to take the testimony of the said Patrick Shields in relation to the injuries he claimed to have received, and that Shields was sent for and informed of the object of their visit; when he was questioned by one of the parties in relation to the case, but refused to be sworn or to sign any statement unless the same should be made in the presence of the United States consul. Afterwards the person who had asked the questions to Shields read to him what purported to be what he had said and requested Shields to sign the same. Shields replied that what he had read to him was incorrect and entirely wrong and that he would not be sworn nor would he sign any paper or writing except in the presence of the United States consul. Further saith not.

C. A. WHEELER.

Sworn to and subscribed before me at Valparaiso, this 19th day of November, A. D. 1891.

[SEAL.]

W. B. MCCREERY,
United States Consul.

[Inclosure 5 in No. 237.]

Declaration under oath of Charles R. Malcolm.

REPUBLIC OF CHILE,
Province of Valparaiso:

Charles R. Malcolm, being duly sworn, deposes and says: I am the engineer in charge of the machinery of the steamship *Keweenaw* of the merchant marine of the United States, and am acquainted with Patrick Shields, who is a fireman under my charge, and in the service of said steamship, and that up to the 24th day of October last past the said Shields was a strong, able-bodied man, and a most excellent fireman; that the said Shields received liberty from the authorities of the ship to go on shore at

Valparaiso on the 24th day of October, and that he did not return for about ten days thereafter, when he was in a bruised and much injured condition, and that the injuries he claimed to have received at the hands of the police in the streets of Valparaiso and while in the prison in said city, and that since his return to the ship he has not been able to perform any manual labor in consequence of the injuries he claims to have received at the hands of the police of Valparaiso, and I am firmly of the opinion that he will never again be able to perform the duties of fireman, and that in consequence of the said Shields being unable to perform his duties, another fireman has been engaged to take his place and he is now in the service of the ship. Further saith not.

CHARLES R. MALCOLM.

Sworn to and subscribed before me this 19th day of November, A. D. 1891.
[SEAL.]

WM. B. MCCREERY,
United States Consul.

[Inclosure 6 in No. 237.]

Declaration under oath of Andrew McKinstrey.

REPUBLIC OF CHILE,
Province of Valparaiso:

Andrew McKinstrey, being duly sworn, deposes and says: I am a fireman in the service of the steamship *Keweenaw* of the merchant marine of the United States, and that on the 24th day of October last past I received liberty to go on shore with Patrick Shields, who is also a fireman on board of the steamship *Keweenaw*, and with whom I am well acquainted, and that on the 25th day of October I was arrested by the police authorities of Valparaiso and taken to prison. On my arrival at the prison I was put into the same room with Patrick Shields, who said that he had been brought there the day before. On the 26th of October the police authorities at the prison ordered Shields and myself to work in the horse shed, across the street from the prison, and for a time we were both engaged in cleaning the yard, when we were both ordered to turn a crank attached to a corn-grinder, which we turned for about two hours, when we both stopped to rest, and we were ordered by the policeman to keep at work grinding corn, and while Patrick Shields was returning to the work he was struck on the back of the head by the policeman with a broom handle, which knocked him down.

On arising from the ground the said Shields was again struck by the same policeman on the head with the broom handle and again felled to the ground, where he remained about five minutes insensible. When he arose from the ground he was bleeding from the nose and mouth. We were then ordered to proceed with the work of grinding corn, but Shields was so badly injured that he stood by the machine and I did most of the work. About three-quarters of an hour afterwards we were both taken out on the streets by the police and ordered to sweep the street, and soon afterwards I made my escape by running away, and I slept during the night on the hill back of the city on the bare ground, and the next day reported at the consulate, and was sent to the *Keweenaw* by the consul. At the time Shields was struck by the policeman he was perfectly sober and had not been drinking. Further saith not.

ANDREW MCKINSTREY.

Sworn to and subscribed before me this 19th day of November, A. D. 1891.
[SEAL.]

WM. B. MCCREERY,
United States Consul.

[Inclosure 7 in No. 237.]

Medical report of Dr. S. S. White.

VALPARAISO, November 20, 1891.

HON. WM. B. MCCREERY,
United States Consul, Valparaiso.

SIR: In obedience to orders from Capt. Schley, on November 3, 1891, I examined Patrick Shields, a fireman belonging to the steamer *Keweenaw*, and found his condition to be as follows: A severe contusion on back of head, a small cut over right

eye, and his body severely bruised, both front and back, from nape of neck to end of spine, of such severity as to render him unfit for duty for several weeks.

His condition now is somewhat improved, but his nervous system has sustained a shock from which months will be necessary for recovery, if he is ever as physically sound as he was at the time he received the injury.

Very respectfully,

STEPHEN S. WHITE,
Passed Assistant Surgeon, U. S. Navy.

U. S. S. BALTIMORE (FIRST RATE).

Approved and forwarded.

W. S. SCHLEY,
Captain, Commanding.

[Inclosure 8 in No. 237.]

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, November 20, 1891.

SIR: I inclose herewith a letter from Patrick Shields, of the steamship *Keweenaw*, also his claim against the Republic of Chile for \$5,000, which, by the term of his letter, he desires you to present to the proper department for payment.

I also inclose a letter from Dr. Stephen S. White, of the U. S. S. *Baltimore*, who has attended Shields since the 3d instant, which states his condition of the 3d of November, as well as his present condition.

Very respectfully, your obedient servant,

WM. B. MCCREERY,
United States Consul.

Patrick Shields informs me that his present post-office address is 994 Second avenue, New York City.

[Inclosure A.]

Patrick Shields to Mr. McCreery.

UNITED STATES CONSULATE,
VALPARAISO, November 20, 1891.

SIR: I inclose herewith my claim for \$5,000, United States currency, against the Republic of Chile, which I will thank you to send to the American minister at Santiago, with the request that he present the same to the proper department of the Government for payment.

Very respectfully,

PATRICK (his x mark) SHIELDS.

Witness:
J. P. DUNNING.

Indorsed on back:

UNITED STATES CONSULATE,
Valparaiso, November 20, 1891.

Respectfully referred to Hon. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States at Santiago.

[SEAL.]

WM. B. MCCREERY,
United States Consul.

[Inclosure B.]

Claim of Patrick Shields for \$5,000.

VALPARAISO, November 20, 1891.

Republic of Chile to Patrick Shields, Dr.

To injuries received at the hands of the police of Valparaiso from the 24th day of October, A. D. 1891, to the 2d day of November, A. D. 1891, inclusive, five thousand dollars United States currency (\$5,000).

UNITED STATES CONSULATE,
Valparaiso, November 20, 1891.

I certify that the foregoing account of Patrick Shields of the steamship *Keweenaw* was presented to me by the said Shields with the request that I forward it to the American minister at Santiago to be by him presented to the proper department for payment.

[SEAL.]

WM. B. MCCREERY,
United States Consul.

[Inclosure 9 in No 237].

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, November 20, 1891.

SIR: In the case of Patrick Shields, of the *Keweenaw*, who makes a claim against the Government of Chile for injuries claimed to have been received at the hands of the police of this city, I desire to state that the crew list of the steamship shows that he was born in Ireland and is a subject of Great Britain.

Very respectfully,

WM. B. MCCREERY,
United States Consul.

[Inclosure 10 in No. 237.]

Mr. Egan to Mr. McCreery.

LEGATION OF THE UNITED STATES,
Santiago, November 23, 1891.

SIR: Replying to your communication of 20th instant in reference to the case of Patrick Shields, of the U. S. S. *Keweenaw*, I beg to refer you to paragraphs Nos. 170 and 171 of consular instructions, in the latter of which you will find the following:

"The principles which are maintained by this Government in regard to the protection, as distinguished from the relief, of seamen are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are such; and in every regularly documented merchant vessel the crew will find their protection in the flag that covers them."

Shields is therefore in this case, and also in the matter of relief, he having shipped in a port of the United States, entitled to the same protection as if he were a United States citizen.

I remain sir, your obedient servant,

PATRICK EGAN.

[Inclosure 11 in No. 237.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, November 23, 1891.

SIR: I have the honor to inform your excellency that on the 3d of the present month there came to the United States consulate in Valparaiso Patrick Shields, fireman, employed on board the United States merchant steamship *Keweenaw*, who made complaint that on 24th October he went ashore from his ship, on leave; that

he was arrested on the street of Valparaiso on a charge of intoxication, the truth of which charge he denies; that on the way to prison he was struck and kicked by the policeman; that he was released from prison next morning without any form of trial, but was immediately arrested again and kept a prisoner from 24th October to 2d November, without having been brought before any judge or without any process of law whatsoever; that during that time he was compelled to work, cleaning the streets, grinding corn, cleaning harness of the horses of the police, and other work; that he received during the time but very little food; that he was brutally beaten over the head and body by the police on several occasions, and sometimes so badly that he was left insensible on the ground, from the effects of which treatment he still suffers very severely, and that he repeatedly, during those nine days, requested to be allowed to communicate with the captain of his ship or with the consul of the United States, which right was always refused to him.

When this man came to the consulate of the United States on the morning of 3d instant, the consul found him to be in terrible condition, badly cut about the head, and his body a mass of bruises. He at once brought him to the intendencia, so that the intendente might himself have an opportunity to see his deplorable condition; but the intendente declined to look at the man's injuries. The consul then sent him on board his ship and had him attended by Dr. Stephen S. White, of the United States cruiser *Baltimore*, certified copy of whose report, dated 3d instant, I inclose (No. 1). He also immediately reported the matter to the intendente of Valparaiso, asking for a full investigation into the circumstances and at the same time requesting that either he, the consul, or some one designated by him might be permitted to be present at such investigation.

To this request the intendente replied on the 4th, promising an immediate investigation, and again on the 7th, transmitting copy of communication from judge of crimes stating that the permission requested by the consul to be present could not be granted, but adding that, in order to facilitate the consul and advance the inquiry, Shields, if he did not speak the Spanish language, could be assisted by such interpreter as he himself might designate.

On the 10th instant, the judge of crime informed the United States consul that the testimony of Shields had been already taken, and on immediately going on board the *Keweenaw* the consul was astonished to learn that on that day two persons had gone on board said ship without any intimation to him, the consul, and without giving Shields any intimation of their willingness to permit the presence of an interpreter designated by him, and proceeded, in the name of the judge of crime, to put to him a number of interrogatories, and then proceeded to write down certain answers which they asked him to sign. Shields protested that the replies so written down were not correct and refused to be sworn or to sign anything unless the examination was made in the presence of the United States consul or of some interpreter whom he should name.

The same course was adopted towards Capt. Jenkins, of the steamship *Keweenaw*, a witness in this case. He was first informed that he could give his evidence through an interpreter designated by himself, but when he presented himself before the judge, accompanied by Mr. August Möller, vice-consul of the United States, as interpreter, his evidence would not be taken through that gentleman, and he was prevailed upon to give it through the court interpreter.

I now beg to inclose to your excellency certified copy of a sworn declaration made by Patrick Shields before the United States consul at Valparaiso on 18th instant, setting forth the particulars of his imprisonment and detention and the bad treatment which he received at the hands of the police (Inclosure No. 2); certified copy of sworn declaration of Charles A. Wheeler, mate of steamship *Keweenaw*, in relation to the attempt to obtain the evidence of Shields on board said ship (Inclosure No. 3); certified copy of sworn declaration of Charles R. Malcolm, engineer of said ship, in relation to the physical condition of Shields (Inclosure No. 4), and certified copy of sworn declaration of Andrew McKinstry, fireman on board said ship, setting forth that he had seen Shields, while a prisoner, struck on the back of the head with a broom handle and knocked down because he rested from work while grinding corn; that on Shields arising from the ground he saw him again struck on the head by the same policeman and knocked down on the ground, where he lay insensible about five minutes, and that when he arose he saw him bleeding from the nose and mouth.

I also inclose certified copy of additional certificate from Dr. Stephen S. White, of the United States cruiser *Baltimore* dated 20th instant, giving details of the injuries inflicted upon Shields; injuries which, according to the doctor's opinion and according to the sworn declaration of the chief engineer of said ship, are calculated to incapacitate him for active work for a considerable time, and perhaps for life.

The consul of the United States at Valparaiso, after the most careful investigation, is convinced, and he has assured me that a terrible injury has been inflicted upon this man, not with the knowledge or sanction of the authorities of Valparaiso, but owing to some laxity or defect in the police system which permits the retention and

compulsory employment at menial labor of persons without the sanction of the judicial power.

I therefore submit this case to your excellency with full confidence that it will receive from the Government of your excellency the consideration which I believe it deserves.

Again renewing the assurances, etc.,

PATRICK EGAN,

Mr. Egan to Mr. Blaine.

No. 241.] LEGATION OF THE UNITED STATES,
Santiago, November 30, 1891. (Received January 13, 1892.)

SIR: I have the honor to send herewith Inclosure No. 1, copy of communication from Capt. Schley, of the *Baltimore*, dated 24th instant, with attached correspondence between him and the intendente of Valparaiso up to that date, in relation to the attack upon the men of his ship in Valparaiso on 16th October.

As will be seen from the correspondence the men of the *Baltimore* appeared before the judge of the court of crimes and gave their evidence on 20th instant, under the conditions approved by the Department of the Navy.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 241.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, November 24, 1891.

SIR: I have the honor to inclose copies of the last dispatch of the Secretary of the Navy, referring to the testimony to be given by my men before the judge of the criminal court here, and of notes exchanged with the intendent of the province in relation to this matter. This will bring your files up to date.

I would also state that my men have appeared and given their testimony to the court.

Very respectfully,

W. S. SCHLEY,
Captain Commanding.

[Attachment A to Inclosure 1 in No. 241.]

Captain Schley to the Intendente of Valparaiso.

U. S. S. BALTIMORE, *Valparaiso, November 17, 1891.*

SIR: I have the honor to inform your excellency that my men who were wounded in the disturbance of October 16 last are now able to appear as cited by the judge of the criminal court, and will be accompanied by an officer as interpreter, who will authenticate such testimony as may be given.

I would request, at the same time, that his honor will oblige me by appointing the earliest practicable day for this hearing.

I have, etc.,

W. S. SCHLEY,
Captain Commanding.

[Attachment B to Inclosure 1 in No. 241.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLICA DE CHILE, INTENDENCIA OF VALPARAISO,
November 17, 1891.

I have had the honor to receive your official letter in which you do me the favor to state that it is not inconvenient for your sailors, wounded in the events of October 16 last, to appear before the judge in the case.

As soon as I receive an answer from the judge of the criminal court relative to your quoted official letter, which I have transcribed to said judge, I shall have the pleasure to communicate it to you.

God guard you.

J. DE D. ARLEGUI.

[Attachment C to Inclosure No. 1 in No. 241.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLIC OF CHILE, INTENDENCIA OF VALPARAISO,
November 18, 1891.

The judge of the criminal court, in an official letter of this date, informs me as follows:

"At this moment I have received your note of yesterday, and in replying to it permit me to say that this tribunal will put into execution the pending confrontation of witnesses between the sailors of the *Baltimore* and the culprits in the cause, the 20th of the present month, from 3 to 4 p. m.

"Do me the kindness to transmit the present communication to the captain of the *Baltimore*."

Which I have the honor to bring to your knowledge for the purpose in view.

God guard you.

J. DE D. ARLEGUI.

[Attachment D to Inclosure No. 1 in No. 241.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLICA DE CHILE, INTENDENCIA OF VALPARAISO,
Valparaiso, November 18, 1891.

The judge of the criminal court, under date of the 16th of this month, informs me as follows:

"In the process which this tribunal has instituted with respect to the disorders of the 16th of October last, it has been directed that I reply to you with relation to what the captain of the *Baltimore* asks in the official letter, a copy of which you have been good enough to send, with your note No. 3305 of the 11th of the present month, as follows:

"VALPARAISO, November 13, 1891.

"I will reply to the intendente of the province that this tribunal will be able to give all the copies which may be asked of the declarations taken in this examination by the sailors of the *Baltimore*, and other witnesses in the cause, when the process, having passed to completion, shall not require the legal secrecy exacted by the present state of the same.

"I tell you this in order that you may do me the favor to bring to the knowledge of the captain above named the contents of the present communication."

Which I transcribe for your information and consequent ends.

God guard you.

J. DE D. ARLEGUI.

Mr. Egan to Mr. Blaine.

No. 242.]

LEGATION OF THE UNITED STATES,
Santiago, November 30, 1891. (Received January 13.)

SIR: I have the honor to refer to my dispatch of 20th instant, No. 236, in reference to the disrespect shown to this legation by some of the police agents or spies by whom it is surrounded, and now beg to hand copy in Spanish (inclosure No. 1) and translation into English (inclosure No. 2) of a note received from the minister of foreign relations, to which I would call your particular attention.

It will be seen that from the very beginning of those annoyances every complaint which I have been obliged to make about disrespectful conduct towards the legation has been met by insinuations or suspicions of conspiracy or indiscretions of conduct against the refugees and even against the employés of the legation, but up to the present the honorable minister has not ventured to make a single direct tangible charge, and for the good reason that no such conspiracies as those insinuated have ever existed in this legation and no such indiscretions have occurred.

The suggestion contained in this letter that the persons who knocked at the window of the legation on the night of the 15th instant, and who used foul language towards the persons inside, were agents of the refugees is, on its face, absurd. The Government has a number of its police agents, with whose appearance I am perfectly familiar, around the legation day and night, and it was those same men and no others who acted towards the legation in the manner described in my notes to the minister.

I also beg to inclose copy of my reply to the note of the minister of foreign relations, marked Inclosure No. 3.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 242.—Translation.]

Señor Matta to Mr. Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, November 23, 1891.

SIR: Half an hour after the interview between the honorable minister plenipotentiary and the undersigned, on Saturday, the 21st, there was received his note, dated 20th, in which was dealt with the same disagreeable affair which, among others, was referred to in said interview, whose termination would give to be understood other things different from the reception of the note to which I have the honor to reply.

I regret very much that the honorable envoy extraordinary and minister plenipotentiary, when there occurred a case in which some police agents, in a state of intoxication, had disturbed the peace of the vicinity and even offended against the respect due to the legation, had not denounced it immediately, for then the respective chief and the intendente of Santiago should have done prompt and strict justice.

There are, outside the consideration due to the honorable minister plenipotentiary, other reasons for regretting the delay in denouncing the conduct which he now brings to the knowledge of this department, and that is that the police agents, or spies, as the honorable minister plenipotentiary terms them, may have been agents of the same persons, refugees in the legation, having relation with others who disguise themselves in such manner, and who may have had interest in provoking this in a way very little agreeable for the legation and for this department.

In all cases the facts having come to the knowledge of the undersigned, even tardily, the required investigation shall be made, proceeding in accordance with justice.

In concluding this letter it will not be out of place to call the attention of the honorable minister plenipotentiary to the fact that some of the refugees in the legation, on account of their former official positions, possess relations which might enable them to act with other persons not connected with the legation, and they, by the action and conduct which have taken place at times, might have assisted to provoke those occurrences which, as well as not being in accordance with the desire and official duty of the honorable envoy extraordinary, can not be so to the undersigned.

Neither the acts which the honorable minister complains of nor those which the undersigned suspects, and all of which are caused by the abnormal situation and not very discreet conduct of refugees in the North American Legation, are, repeating the words of the honorable minister, "calculated to promote the spirit of cordial friendship which it is so desirable to cultivate between the two countries," but which shall not disturb the high respect and decided courtesy with which the representatives of both will continue to treat the matter with which they are charged.

Renewing to the honorable minister plenipotentiary the expression of my high consideration, I remain,

His obedient servant,

M. A. MATTA.

[Inclosure 2, in No. 242.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES,
Santiago, November 30, 1891.

SIR: On account of a short visit to Valparaiso I have been obliged to delay my reply to your excellency of 23d instant.

I am surprised to learn that my note of 20th instant only reached the hands of your excellency after our conference on the 21st, referring to one of the matters treated in said conference.

My note was delivered at the ministry of your excellency in the early hours of the 21st instant, and naturally I supposed that your excellency had already a knowledge of its contents when our interview took place at about 3 o'clock p. m. of that day.

It does not correspond to me to inquire why the said note was not presented in due time to your excellency by the employés of the ministry, and I only state these circumstances now in order to make clear the facts.

In replying to my note your excellency expresses and repeats the opinion that the difficulties occasioned by the police agents or spies who are surrounding this legation may have occurred as a consequence of the conduct of some of the refugees who, being in relation with other persons not connected with the legation, might have promoted those disorders with a view to provoking conflicts and disagreeableness, such as I have been obliged to complain of to your excellency.

I regret to be under the necessity to deny again, and for the last time, to your excellency those assertions and fears, and I can do so the more positively because I feel that I am well acquainted with and convinced of all that occurs in this legation. I regret at the same time to have to observe to your excellency that it appears strange and anomalous that your excellency should ignore the permanent presence in the vicinity of the legation of a number of agents of the secret police, in an official character, and certainly without any participation whatsoever on the part of the refugees in the legation. The irregular conduct of those agents has provoked more than once actual disorders in this neighborhood, and only last night they appear to have interfered with a representative of the National Congress, who, in going out of a neighboring house, was molested or offended by those same agents.

It would be idle to attribute to the refugees in this legation any participation in those occurrences, since local authorities have at their disposal ample resources and activity to put in prison any persons whose conduct they may consider suspicious. Besides it is entirely unlikely that agents of the refugees, such as indicated by your excellency, could station themselves in the public streets during entire days with the object of creating disorders, and at the same time be, as I have seen them, in constant and confidential relation with the regular police force of the city.

I am in a position to assure your excellency that the persons about whom I have made complaint, and whose presence and actions have been and continue to be decidedly disrespectful to this legation, were undoubtedly agents of the public authority, and could have had no possible connection whatsoever with the refugees in this legation.

Renewing to your excellency the expression of my high consideration,

I have the honor to be, your excellency's obedient servant,

PATRICK EGAN.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 3, 1891.

Mr. Blaine instructs Mr. Egan to report who asked him for his testimony in the *Baltimore* case which, according to telegraphic advice received by the Chilean minister from the foreign office, was requested of him twenty days ago and not given.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 3, 1891. (Received December 4.)

Mr. Egan reports that the *Baltimore* is expected to sail shortly, and that in view of that fact he made unofficial efforts on the 3d, through a friendly medium, to have safe-conducts granted to refugees, and met with an absolute refusal, but he still hopes for an early solution. He represents the feeling of vengeance entertained by some as terrible and unscrupulous to a degree that can hardly be imagined, and says that according to important persons, one of them a cabinet minister, the capture of the refugees would certainly result in the death of some of them. He complains of the proceedings, which Capt. Schley considers most unfair and unintelligible, of the officials of Valparaiso who supply the press with the correspondence relating to the *Baltimore* case and passing between the judge of crimes, the governor of Valparaiso, and the minister for foreign affairs, the intention being apparently to prejudice but one side of the case. He makes special mention of one letter of the judge of crimes which was published on the 3d, and by its decided animus created in the press a current of bitter feeling against the men of the *Baltimore*. He also complains that the presence of the secret police, by which the legation has not ceased being watched, is personally distasteful and evidences but little respect to the legation.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 4, 1891.

Mr. Egan reports that on the ground of treason, breaking the constitution, violating the laws, not enforcing the laws, subornation and malversation of public funds, a motion for impeachment against six of the late cabinet ministers, three of whom are refugees in the legation, was made in Congress on the day previous, and that they hope by this means to have the refugees delivered. He says that he has received from the secretary of the Chamber of Deputies a written request to be allowed to notify the refugees in person, and that he has notified the minister of foreign affairs that he could not with propriety have direct

of the intendente of Valparaiso, dated 28th November, inclosed herein. official intercourse with the secretary of the Chamber of Deputies, his credentials being from the Government of the United States to that of Chile, and that he was surprised that the secretary of the Chamber of Deputies should address himself to the legation instead of to the foreign office. Mr. Egan declares that he will not receive any personal service of notification in the legation without being instructed.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 4, 1891.

Mr. Egan acknowledges the receipt of the telegram of the 3d, and says that he is unable to explain the incorrectness of the statement of the minister for foreign affairs, that he had no personal knowledge of the circumstances attending the assault upon the men of the *Baltimore* and has not been asked for his testimony; that he did receive from the foreign office on the 9th of November a note bearing upon certain information derived from previous letters written by Capt. Schley and the testimony of the sailors transmitted in those letters. As Capt. Schley had been instructed by the Navy Department to treat the matter directly with the local authorities at Valparaiso, and was doing so, he so informed the minister of foreign affairs, on whom he called, and who agreed to the course thus taken and said that it would not be necessary to write a reply to his note. He adds that Capt. Schley furnished all the information supplied by him in his letter of the 3d of November and by sending his men before the judge.

Mr. Egan to Mr. Blaine.

No. 243.] LEGATION OF THE UNITED STATES,
Santiago, December 4, 1891. [Received January 13, 1892.]

SIR: I have the honor to hand herewith, inclosure No. 1, copy of a letter received to-day from Capt. Schley, with attached copy of correspondence between him and the intendente of Valparaiso to date, in relation to the attack upon the *Baltimore* sailors on 16th October.

Throughout this investigation, which is supposed to be so secret that nothing of its proceedings can be given even to a friendly Government, there has been a constant interchange of letters between the judge of crimes and the intendente and some communications with the minister of foreign relations, all of which, as well as the letters between Capt. Schley and the intendente, have been published in the press with the evident intention of molding public opinion on this matter; the result being a number of very bitter criticisms and attacks upon the United States and its Navy and upon this legation.

I beg to call your attention to the very extraordinary statement of the Judge of Crimes in reference to the case of two of the men of the *Baltimore* who, after giving their evidence, indulged in too much drink and returned to court to sign their informations more or less intoxicated. You will find this statement on pages 11 and 12 (9 to 12) of the letter

I also inclose copy of telegram received from you to-day in regard to the extraordinary statement of the minister of foreign relations telegraphed to the Chilean minister in Washington, and also copy of my reply, which fully explains itself.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 243.]

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaíso, December 3, 1891.

SIR: I have the honor to transmit the last letters which refer to the occurrence of the 16th of October, and I would state that I acceded to the request of the judge for a commission of experts to confer with reference to the character of the shot which killed Riggins.

I would state that the testimony of the men mentioned in his honor's letter was given before him yesterday, as well as that of Jerry Anderson, coal heaver, one of those wounded on October 16, and coal heaver L. A. Wallace, in the presence of Lieut. McCrea of this ship, under the same rules observed on the 20th of November, when the other witnesses appeared. This I hope will conclude the matter as far as the *Baltimore* is concerned, and, at all events, completes the confrontation in the case up to date.

Referring to that part of the judge's letter relating to the appearance before him of two of my men in a condition of intoxication, I would say that his letter makes it appear that these men came in such a state before the court to testify. This is not the fact at all; they had already given their testimony and had appeared to sign the court copy of the same. The letter of his honor is written to the public more than to myself, and is evidently intended to create prejudice in the public mind similar to that which this communication shows to exist unquestionably in his own.

Very respectfully,

W. S. SCHLEY,
Captain, Commanding.

The Intendente of Valparaíso to Capt. Schley.

REPUBLICA DE CHILE
Intendencia of Valparaíso, November 28, 1891.

The Captain of the Cruiser Baltimore, of the United States Navy:

The judge of the criminal court, in an official letter of the 26th instant, informs me as follows:

"On the 20th of the present month a confrontation, with profitable results to the good success of the inquiry, was held before this court between several sailors of the *Baltimore* and the culprits in the process, which it instituted with reference to the disorders of the 16th, and although the undersigned is mainly interested in terminating as soon as possible this already prolonged proceeding, the declarations of some of the sailors above alluded to make it indispensable to vacate the previous citations, and to hold a new confrontation between three of these sailors and other witnesses in the case.

"It is also thought necessary to hear the account of the doctors who attended the dead sailors after the examination ordered by this tribunal and the opinion of a commission of experts, keeping in view the arms carried by the police during the disorders of the 16th, and the perforation of a neckerchief worn by James M. Johnson, at the time when, according to him, he went to assist the murdered Riggins, and which was first made by the ball which ended his (Riggins's) days, in order that it (the commission) may then inform this tribunal whether the said perforation could or could not have been caused by the rifles with which the police were armed.

"In regard to the medical report as well as in regard to the technical commission which has just been referred to, I have thought it proper to appoint, as an evidence of the absolute impartiality with which this tribunal is proceeding and of the desire

to throw light upon the lamentable event which it is investigating, the surgeons of the *Baltimore* and one of the superior officers of that vessel to concert with the other experts designated by the court in this act of justice.

"Giving expression to these ideas and to others which the continuation of the process requires, the court under date of the 21st of the present month decreed among other things, the following:

"The declaration of James M. Johnson appearing to contradict that of the witnesses Vergara, Castro Jeria, Hernandez, and Iglesias, let a confrontation be held between all of them and Charles Langen, also a sailor of the *Baltimore*.

"The city doctors, Antenos Calderon and Daniel Carvallo, associated with the doctor of the cruiser *Baltimore*, and with other medical men, who may have seen Riffin before and after his autopsy, will inform this tribunal:

"(1) Whether the shot wound which produced the death of that sailor was caused by a revolver or a rifle, giving the caliber of the projectile and the effects of the same; and in case the last is resolved upon, if it could have been from the rifles or carbines used by the police, examples of which will be placed at their disposition; and

"(2) Whether the nature and gravity of the wounds inflicted by a cutting instrument, rather than the shot wound, might have removed the same Riffin, and the probable time necessary for the cure of these wounds.

"Be pleased to ask information of the doctor who examined sailor Trumbull, whose real name is Turnbull, in his last illness, regarding the precise causes and reasons of his death.

"Be pleased to name a commission of experts composed of Commander Vicente Zegers Recasen, Lieut. Col. José Maria Bari, and Lieut. Henry McCrea, of the cruiser *Baltimore*, in order that, keeping in view the neckerchief delivered by sailor Johnson during the confrontation, and the rifles and carbines with which the police were armed during the disorders of the 16th, they may inform this court whether the holes which are noted in the mentioned neckerchief have or have not been produced by a ball shot made with these arms.

"Be pleased to send an official letter to the intendente of the province in order to obtain through him from the captain of the *Baltimore* the exact descriptive list of the deceased W. Turnbull; and to ask that the witness, Eugene Frank, be cited in order that, given the descriptive list of that sailor, he may make clear whether he was or was not the person that the culprit Carlos Gomez wounded. The same Gomez and Federico Jensten will also make declaration regarding the same."

"I beg you, therefore, that in order to give completion to the decree, having transcribed this, you will be pleased to transmit the present communication to the captain of the *Baltimore*, that he may grant the necessary permission to the doctor of that ship and to Lieut. McCrea, in order that both may accept the commissions which this tribunal commits to them, and that he may arrange in the same manner the confrontation of the sailors, Johnson, Langen, and John Davidson, who, according to the before-mentioned decree, will be brought face to face with the invalid sailor, Adrian Bravo, indicated in the last appearance, when brought together as one of the promoters of the disorders of October 16. The same captain will be good enough also to remit by means of your official intervention the other facts which this court has thought necessary to ask, notifying him that, sailor Turnbull having died on board the *Baltimore*, the doctor who attended him in his last illness must belong to the same cruiser.

"Counting on the acquiescence of the captain of the *Baltimore*, the court fixes the 30th from 2 to 3 p. m. for the hearing of the new confrontation that has been ordered.

"In conclusion, Mr. Intendente, I must add that in order to preserve the dignity of the proceedings of this court, during the continuance of the confrontation held on the 20th, it was necessary to remove by force one or two sailors of the *Baltimore* who presented themselves in the court room in a state of intoxication, and whose behavior necessitated their removal.

"The court could have better punished for itself the lack of respect which these sailors committed, but as a demonstration of special kindness towards the representatives of the Navy of the United States in this port it consented that they should be taken back to their ship, being satisfied with the full excuses that Lieut. McCrea, who had charge of the sailors that were giving their declarations, made for this same act and with the formal promise that their fault would be severely punished on board of the same cruiser.

"In recording in this note that strange incident of the confrontation I have no other purpose than that of calling the attention of the captain of the *Baltimore* to the inevitable excesses that seamen deliver themselves up to always when they come on shore, even when it may be to appear at the citation of a tribunal of a friendly nation which affords them hospitality, and even when they may be under the immediate watch of their respected and honorable chief who conducts them.

"Perhaps that incident will acquaint the captain of the *Baltimore* better than the actual proceedings of the trial the real origin of one of the causes that must have had much influence in the disorders of the 16th of October."

Which I have the honor to transcribe to you, in order that you may be kind enough to assist, if you please, the action of justice in this grave business.

God guard you.

I. DE DE. ARLEGUI.

Capt. Schley to the Intendente of Valparaiso.

UNITED STATES STEAMER BALTIMORE (FIRST RATE),
Valparaiso, December 1, 1891.

SIR: I have the honor to acknowledge the receipt of your letter of November 28, which reached my hands about 1 p. m. of November 30, too late to make the arrangements suggested by his honor for the meeting of the experts, as well as for a new confrontation of witnesses who have already testified, in order to clear up certain points, etc.

I have the honor to suggest that coal-heaver Jerry Anderson, one of the wounded, and coal-heaver L. A. Wallace, the companion who was with him when attacked and stabbed on the afternoon of October 16, may be examined by the court; also that Peter Johnson, piancia; Frederick —, boatswain, Fiscal Mole; the keeper of the "Stag" saloon; boatman No. 300; the keeper of the "Royal Oak" saloon; Robert Lindsay, sailor; Charles Lancot, may be examined by the court. All these persons can bear witness to facts pertinent to the issue.

I have the honor, etc.,

W. S. SCHLEY,
Captain, Commanding.

Mr. Egan to Mr. Blaine.

No. 244.] LEGATION OF THE UNITED STATES,
Santiago, December 4, 1891. (Received January 22, 1892.)

SIR: Finding that the *Baltimore* was about to go north I have, during past couple of days, endeavored unofficially to obtain safe conducts or even a simple permission for the refugees to go on board, but I learn that the ministry unanimously refused to even consider the matter. They have still hopes that they can induce the Government of the United States to surrender those men for punishment, which, in one case at least, that of General Gana, ex-commander in chief of the army, would, I am assured, be very severe. Yesterday I was assured by a cabinet minister that General Gana and some others of those now in this legation would be killed most certainly if captured in any attempt to leave the country, which opinion, expressed more than three months after the close of the war, will serve to show how desperate and lasting is the desire of some of those people for vengeance upon their vanquished opponents.

This persecution of the vanquished party is sowing the seeds of further and perhaps more serious troubles for this country in the not distant future.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 245.] LEGATION OF THE UNITED STATES,
Santiago, December 5, 1891. (Received January 22, 1892.)

SIR: I have the honor to refer again to the receipt of your telegram on yesterday, stating that Chilean minister for foreign affairs has telegraphed Chilean Minister Montt in Washington that my testimony in Baltimore case was asked twenty days ago and not given, and requesting to know by whom was I asked.

I telegraphed on yesterday to say that this statement on the part of the minister for foreign affairs is to me inexplicably incorrect.

When the Intendente of Valparaiso first requested information from Capt. Schley, on 29th October, the captain had not the authority to give any, and he replied on 1st November, referring the Intendente to this legation, and saying:

I am of opinion that if application be made to him (the United States minister) your excellency will be supplied with the names of several individuals who will be able in their turn to give you other names of persons who saw the killing of Riffin and the wounding of a number of others of my men during the lamentable disorders of 16th ultimo.

Some eight days later, the 9th November, the minister for foreign affairs wrote me requesting me to supply the information indicated in Capt. Schley's letter. (For copy of his note see inclosure in my No. 230 of 11th November.)

Meantime, Captain Schley had, under date of 3d November, supplied the Intendente with a list of the witnesses indicated in foregoing quotation, residents of Valparaiso, and was engaged in a correspondence with the Intendente respecting the conditions upon which the sailors of the *Baltimore* could give their evidence, which conditions he hoped, from day to day, to be able to satisfactorily arrange in accordance with modified instructions which were being transmitted to him from the Department of the Navy. On 14th November I called at the ministry of foreign relations and explained this matter fully to the under secretary, and a couple of days later I had a conversation on the subject with the minister, in which I stated that the original instructions which I had received regarding the conditions upon which the men of the *Baltimore* could give evidence had been considerably modified in communications which had passed between the Navy Department and Capt. Schley, and that under the circumstances I considered it would be much more expeditious and much more conducive to an early and friendly understanding to leave the matter between Capt. Schley and the Intendente of Valparaiso.

I also explained that Capt. Schley had on 3d instant given to the Intendente all the other information which he had referred to in his letter regarding important witnesses not belonging to his ship.

The minister expressed himself as much pleased with this course, and in reply to my question said that under the circumstances a written reply to his note of the 9th was not necessary.

There never was any reference to any personal information of mine, as I had no knowledge of the case beyond that transmitted to me by Capt. Schley, and in view of my conversations with Minister Matta—for I had a second interview with him on the 21st November, in which we spoke of this matter of giving evidence as satisfactorily concluded—I am greatly surprised at the statement communicated by him to the Chilean minister in Washington.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 246.]

LEGATION OF THE UNITED STATES,
Santiago, December 5, 1891. (Received January 22, 1892.)

SIR: I beg to refer to my previous dispatches in reference to the terrible ill-treatment inflicted upon a fireman of the United States steamship *Keweenaw*, Patrick Shields, and now beg to inclose copy of letter from United States consul at Valparaiso, dated 24th November, with attached correspondence from Intendente of Valparaiso (inclosure No. 1). I also inclose a translation of a note (inclosure No. 2) from the minister of foreign relations, in which he requests further information on the case. I wrote consul for the required datum, as per inclosure No. 3, and received from him a full report, under date 2d December, copy herewith (inclosure No. 4), from which will be seen what a terrible condition this poor man was reduced to and how unfairly he was dealt with in the matter of the pretended investigation by the local authorities at Valparaiso.

On the 4th instant I fully replied to the inquiries and remarks of the minister of foreign relations, and now beg to forward copy of my note (inclosure No. 5).

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 246.]

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, November 24, 1891.

SIR: I have the honor to inclose herewith, for your information, copy of a letter of the 20th instant, received by me from the governor of this Province, in relation to the case of Patrick Shields, fireman, belonging to the American steamer *Keweenaw*. Also copy of my letter in reply to the same.

Very respectfully, etc.,

WM. B. MCCREERY,
United States Consul.

Intendente of Valparaiso to Mr. McCreery.

[Translation.]

REPUBLIC OF CHILE,
Intendencia of Valparaiso, November 17, 1891.

The judge of crimes, in a communication of the 15th instant, informs me as follows: In the process which is being instituted in this court in consequence of injuries to the mariner of the American steamer *Keweenaw*, Patrick Shields, it has been resolved to address your excellency for the purpose of obtaining through you from the consul of the United States of America the inscription paper or enrollment of the said Shields and copy of the statement of the master of the *Keweenaw* reporting the aforementioned mariner as a deserter.

I communicate this to your excellency for your information and consequent use. God guard you.

J. DE D. ARLEGUI.

Mr. McCreery to the Intendente of Valparaiso.

UNITED STATES CONSULATE,
Valparaiso, November 20, 1891.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 17th instant transmitting copy of a letter from the judge of crimes of this city.

In compliance with the request of the judge of crimes I would state that, according to the crew list of the said steamer, Patrick Shields is a native of Ireland and a subject of Great Britain. The said mariner was reported at this consulate as a deserter on the 24th ultimo, he having overstayed his liberty owing, as it appears from his declaration, to his arrest by the police authorities and confinement in prison.

Very respectfully, etc.,

WM. B. MCCREERY,
United States Consul.

[Inclosure 2 in No. 246.—Translation.]

Señor Matta to Mr Egan.

MINISTRY OF FOREIGN RELATIONS,
Santiago, November 25, 1891.

SIR: There has been received on 23d instant in this department the note of your excellency in which you relate, in order to formulate a claim, a series of doings to prove the bad treatment inflicted upon fireman Shields, and another series, also grave, of acts of the Intendente of Valparaiso and especially of the judge of crimes of that city, which would indicate a course of conduct still more censurable than that of the offenders who had inflicted the bad treatment on Shields.

On going over and examining the note of the honorable minister plenipotentiary, and the documents authenticated by the consulate and the legation, the undersigned has observed that in all the series of grave charges against the police, against the judge, and against the Intendente of Valparaiso there are not, besides the information of Shields, any other evidence than that of persons of the consulate and of the North American ship. The undersigned must believe, and he is pleased to say, that all these persons, the ones that affirm the sad effect of the bad treatment of Shields, the others who affirm that the proper procedure has not been followed in taking his evidence, will be worthy of all consideration, but in this department they can not claim sufficient authority in order that the acts complained of be considered as legally established, at least in order that they may serve as bases or justification for a claim, as announced verbally by your excellency and as insinuated and foreshadowed for in the note to which I reply.

The jurisdiction of Chile, its laws and authority, are those that rule this matter, and the undersigned can not see that under them could arise the claim which is intended, which, even in order to be discussed, could not be entertained in this department without the commission of a criminal error or forgetfulness in giving, over the acts and words of our responsible authorities, and who respond for their conduct, the superiority to words and acts of persons who do not exercise and can not exercise jurisdiction in our territory on account of not being subject to our legal and constitutional regimen.

For this reason, and solely as a matter of deference to the representative of the United States, and without giving to it the force of a precedent in this matter, this department requests the indispensable reports upon the following points:

- (1) Ill-treatment of Shields.
- (2) How and when was he put in prison.
- (3) What judicial investigations were made or omitted, on shore or on board.
- (4) Some peculiar circumstances which may have occurred in this matter.

When there shall be received in this department the report relative to those four points, and if it should result that there has been a denial of justice or an improper administration thereof in the case of the fireman Shields, then the claim suggested by the honorable minister plenipotentiary will be discussed.

In the meantime, calling attention to the point which may be understood from the note of the honorable minister plenipotentiary as a manifestation of the idea that there may be other jurisdiction superior to that of Chile in the matter of police on shore or on sea at Valparaiso, the undersigned improves the occasion, etc.,

M. A. MATTA.

[Inclosure 3 in No. 246.]

Mr. Egan to Mr. McCreery.

LEGATION OF THE UNITED STATES,
Santiago, December 1, 1891.

SIR: In reference to the case of Patrick Shields, fireman of the United States ship, *Keweenaw*, I have received from the honorable minister of foreign relations a reply to my note on this matter in which he says: "Solely as a matter of deference

to the representative of the United States, and without giving to it the force of a precedent in this matter, the ministry requests the indispensable reports upon the following points:

- "(1) Ill-treatment of Shields.
- "(2) How and when was he put in prison?
- "(3) What judicial investigations were made or omitted to be made, on shore or on board ship?

"(4) Some peculiar circumstance which may have occurred in this matter."

Please report to me promptly and fully on above matter.

I remain, etc.,

PATRICK EGAN.

[Inclosure 4 in No. 246.]

Mr. McCreery to Mr. Egan.

UNITED STATES CONSULATE,
Valparaiso, December 2, 1891.

SIR: In reply to yours of yesterday in relation to the case of Patrick Shields I beg leave to state—

(1) As to the ill-treatment of Shields. When he came to this consulate on the 3d of November he was in a most pitiable condition and could hardly stand alone, and, as he informed me, as the result of the beating and ill-treatment he had received at the hands of the police of Valparaiso.

I sent him on board the *Keweenaw* and requested Capt. Schley, of the U. S. S. *Baltimore*, to send one of his surgeons to attend him. I accompanied Capt. Jenkins, of the *Keweenaw*, to the Intendencia, taking Shields with us, where the captain offered to exhibit his (Shields's) bruised body to his excellency that he might see his terrible condition, but his excellency declined to see it. Subsequently I saw his bare body, which was black and blue, the effects as he stated of blows he had received at the hands of the police. I have forwarded to you the affidavit of Patrick Shields as to his treatment, also that of Andrew McKinstry, who testified that he saw a policeman strike Shields with a broom handle. Also the statement of Dr. White as to the condition of Shields when he visited him on the *Keweenaw* by the order of Capt. Schley.

(2) How and when was he put in prison?

Shields states in his affidavit that he was arrested and taken to prison on the 24th of October by the police of Valparaiso. He also stated that the prison where he was confined was near the Plaza Victoria.

(3) What judicial investigations were made or omitted to be made on shore or on board ship?

On the 4th of November I addressed a communication to his excellency the Intendente of Valparaiso (a copy of which I have sent you) asking that an immediate investigation be made with a view of ascertaining how and by what means Patrick Shields received his injuries, and under date of the 7th of November I received a reply from his excellency (a copy of which I have sent you), transmitting copy of a letter from the judge of the court of crimes. Subsequently Capt. Jenkins, of the *Keweenaw*, informed me that he had been cited to appear at the court, and that he was informed that his testimony was wanted in the case of Patrick Shields. He also informed me that he requested the judge to permit him to select an interpreter to interpret his testimony, and that he was informed by the court that the United States authorities had waived the right to nominate an interpreter in the case of the *Baltimore* men, and declined the request.

I have also been informed that two men visited the *Keweenaw* and claimed that they had been sent by the court to take the testimony of Patrick Shields, and that he declined to be sworn or to give testimony except in the presence of the United States consul, or through his own interpreter. The truth of this statement is also corroborated by the sworn testimony of Shields and by that of the mate of the *Keweenaw*.

Having called the attention of the authorities to the brutality of this case, and having requested that an investigation be made, I had expected to be called upon to give any information in my power or that might have come to my knowledge to aid the court in its inquiry, but I have not been called upon for such information.

(4) Some peculiar circumstances which may have occurred in this matter.

The circumstances of the case are all peculiar. Shields testified that he had been most brutally beaten with sticks by policemen; the testimony is corroborated by an eyewitness; he was denied the privilege of seeing the United States consul; he states that he was never brought before the court, although he repeatedly asked to

see the judge; he makes complaint to the consul of his treatment, and the matter is by him brought to the attention of the authorities and an investigation requested. The judge replies that he will investigate, and so far as I am informed there the matter rests.

Two men visited the ship *Keweenaw*, claiming to represent the court, and asked Shields to be sworn. Had the authorities requested me to go with their men (if they were sent by the court), or had the court intimated to me that it desired any information I might have on the subject, it would have afforded me great pleasure to render any assistance in my power.

The *Keweenaw* left this port November 23 for the United States, Shields on board.

Dr. White, of the U. S. S. *Baltimore*, who attended Shields from the 3d of November until the *Keweenaw* left the harbor, informs me that he was very seriously and dangerously injured and that it would be a long time before he would be able to perform manual labor.

Very respectfully,

WM. B. MCCREERY.

[Enclosure 5 in No. 246.]

Mr. Egan to Señor Matta.

LEGATION OF THE UNITED STATES.

Santiago, December 4, 1891.

SIR: In consequence of the necessity to make inquiries in Valparaiso regarding the case of Patrick Shields, I have been unable until now to reply to the note of your excellency of 25th ultimo.

In referring to the statements contained in my note of 23d as a series of grave charges against the Intendente of Valparaiso and against the judge of crimes of that city "which would indicate a course of conduct still more censurable than that of the offenders who had inflicted the bad treatment on Shields," I may be permitted to say that your excellency is under a misapprehension. I can not find in my note of 23d ultimo one word that reflects, in the nature of a charge, on the very excellent Intendente of Valparaiso, and my references to the judge of crimes, while indicating a grave oversight or omission on the part of that functionary in his treatment of this case, were certainly not intended to rank in the same category as the charges preferred against the police; nor can I find anything in said note that could be interpreted in relation to a case of this nature, "as a manifestation of the idea that there may be other jurisdiction superior to that of Chile in the matter of police on shore or on sea at Valparaiso."

In this case terrible injuries were inflicted upon Shields from the results of which he will probably suffer during his lifetime. When he escaped and presented himself at the consulate of the United States on the morning of 3d November, immediate notice was given verbally, and on next day in writing, to the local authorities, and an inquiry called for by the consul of the United States, with the request that he, the consul, or some one designated by him, might be permitted to be present at the investigation.

The judge of crimes, in a letter of 6th November, No. 406, addressed to the Intendente of Valparaiso and by him transcribed to the United States consul, refused, for reasons stated, the permission asked for by the consul, but said:

"Notwithstanding this, in order that the consul may find all kind of facilities to advance his claim, the sailor Shields may be assisted, if he does not possess the Spanish language, by an interpreter whom he himself may designate in the declarations which have to be made before this court."

The original reads: "Esto no obsta para que el Señor Consul Norte Americano encuentre toda clase de facilidades, a fin de elevar adelante su reclamacion; y de que el marinero Shields sea asistado, si no posee el idioma español, por el interprete que el mismo designe, en las declaraciones que habra de prestar ante esta juzgado."

Notwithstanding this statement of the judge of crimes, which seemed to the consul satisfactory, no intimation was given to the consul of any further steps, and up to the time the ship *Keweenaw* sailed on 23d November no steps were taken in the investigation, so far as I have been able to learn, beyond the irregular attempts to obtain the evidence of Shields on board the ship on 10th November.

It was in view of those facts, and in order to aid in throwing light upon the actual facts of the case, that the consul of the United States took the testimony set forth in the several declarations, of which I have had the honor to inclose copies to your excellency in my note of 23d November.

I have now the honor to transcribe to your excellency the report of the United

States consul at Valparaiso, upon the four points mentioned in the note of your excellency of 25th November, as follows:

"(1) 'As to the ill-treatment of Shields,'

"When he came to this consulate on the 3d of November he was in a most pitiable condition and could hardly stand alone, and, as he informed me, as the result of the beating and ill-treatment he had received at the hands of the police of Valparaiso.

"I sent him on board the *Keweenaw* and requested Capt. Schley, of the U. S. S. *Baltimore*, to send one of his surgeons to attend to him.

"I accompanied Capt. Jenkins of the *Keweenaw* to the Intendencia, taking Shields with us, where the captain offered to exhibit his (Shields's) bruised body to his excellency, that he might see his terrible condition; but his excellency declined to see it. Subsequently I saw his bare body, which was black and blue, the effects, as he states, of blows he had received at the hands of the police. I have forwarded to you the affidavit of Patrick Shields as to his treatment; also that of Andrew McKinstry, who testified that he saw a policeman strike Shields with a broom-handle; also the statement of Dr. White as to the condition of Shields when he visited him on the *Keweenaw* by order of Capt. Schley.

"(2) 'How and when was he put in prison?'

"Shields states in his affidavit that he was arrested and taken to prison on the 24th of October, by the police of Valparaiso. He also states that the prison where he was confined was near the Plaza Victoria.

"(3) 'What judicial investigations were made, or omitted to be made, on shore or on board ship?'

"On the 4th of November I addressed a communication to his excellency, the Intendente of Valparaiso (a copy of which I have sent you), asking that an immediate investigation be made with a view of ascertaining how, and by what means, Patrick Shields received his injuries, and under date of the 7th of November, I received a reply from his excellency (a copy of which I have sent you) transmitting copy of a letter from the judge of the court of crimes. Subsequently, Capt. Jenkins of the *Keweenaw*, informed me that he had been cited to appear at the court, and that he was informed that his testimony was wanted in the case of Patrick Shields. He also informed me that he requested the judge to permit him to select an interpreter to interpret his testimony and that he was informed by the court that the United States authorities had waived the right to nominate an interpreter in the case of the Baltimore men, and declined the request.

"I have also been informed that two men visited the *Keweenaw* and claimed that they had been sent by the court to take the testimony of Patrick Shields, and that he declined to be sworn or to give testimony except in the presence of the United States consul or through his own interpreter. The truth of this statement is also corroborated by the sworn testimony of Shields and by that of the mate of the *Keweenaw*.

"Having called the attention of the authorities to the brutality of this case and having requested that an investigation be made, I had expected to be called upon to give any information in my power or that might have come to my knowledge to aid the court in its inquiry but I have not been called upon for such information.

"(4) 'Some peculiar circumstances which may have occurred in this matter:'

"The circumstances in the case are all peculiar. Shields testified that he had been most brutally beaten with sticks by policemen (the testimony is corroborated by an eye witness); he was denied the privilege of seeing the United States consul; he states that he was never brought before the court although he repeatedly asked to see the judge; he makes complaint to the consul of his treatment and the matter is by him brought to the attention of the authorities and an investigation is requested. The judge replies that he will investigate and, so far as I am informed, there the matter rests.

"Two men visited the ship *Keweenaw*, claiming to represent the court and asked Shields to be sworn. Had the authorities requested me to go with their men (if they were sent by the court) or had the court intimated to me that it desired any information I might have on the subject it would have afforded me great pleasure to render any assistance in my power.

"The *Keweenaw* left this port November 23d for the United States, Shields on board.

"Dr. White, of the U. S. S. *Baltimore*, who attended Shields from the 3d of November until the *Keweenaw* left the harbor, informs me that he was very seriously and dangerously injured and that it would be a long time before he would be able to perform manual labor."

With which, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 247.] LEGATION OF THE UNITED STATES,
Santiago, December 7, 1891. (Received January 22, 1892.)

SIR: On the 3d instant I received from the secretary of the Chamber of Deputies a note, of which I inclose translation (inclosure No. 1), informing me that on that day an accusation had been made in the Chamber against certain ex-ministers of state of ex-President Balmaceda, and requesting permission to enter this legation to serve notification upon three of said ministers now refugees in the legation.

I immediately addressed a note to the minister of foreign relations, (inclosure No. 2) bringing the matter to his knowledge and expressing surprise that the secretary of the Chamber of Deputies should have addressed himself to this legation and not to the ministry of foreign relations.

The ministers impeached are Señors Claudio Vicuña, Domingo Godoy, Ismael Perez Montt, José F. Gana, José Miguel Valdes Carrera, and Guillermo MacKenna, the three latter of whom are now refugees in this legation, and the accusation is for treason, breaking the constitution, acting in defiance of the laws, not having put the laws in execution, malversation of public funds, and subornation.

I informed you fully of these matters in a telegram of 4th instant.

On the 5th instant the minister of foreign relations replied to my note, a translation of which is inclosed (No. 3), giving explanation of the irregularity into which the secretary of the Chamber had fallen, and repeating the request for permission for the secretary of the Chamber to serve notification upon the refugees.

I replied to this note on 7th instant (inclosure No. 4), repeating from my note of 22d October, certain arguments in relation to the question of extraterritoriality and the admitted legitimacy of my action in granting asylum to the persons now in the legation, and stating that in view of the continuance of the same situation and for the same considerations stated, I did not feel authorized to concede the permission requested.

I have the honor, etc.

PATRICK EGAN.

[Inclosure 1 in No. 247.—Translation.]

Secretary of Chamber of Deputies to Mr. Egan.

CHAMBER OF DEPUTIES, Santiago, December 3, 1891.

MR. MINISTER: There has been presented to-day to the honorable Chamber of Deputies an accusation against the various ex-ministers of state. Amongst those it has been suggested in the said Chamber that there are some refugees in the legation in charge of your excellency, and it has agreed that the undersigned secretary shall proceed to notify them of said accusation in case that your excellency should be willing to permit it.

In virtue of this I beg your excellency to be good enough, if you will, to indicate to me the day and hour when I may call at the house of the legation to comply with said agreement of the honorable Camara.

Availing of the opportunity, etc.,

M. R. LIRA,
Secretary.

[Inclosure 2 in No. 247.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,
Santiago, December 3, 1891.

SIR: Under this date I have received a note of which I have the honor to hand copy to your excellency herewith, addressed to me by Señor Don M. R. Lira, in the name of the honorable Chamber of Deputies.

Being accredited by the Government of the United States of America near to the Government of your excellency, I can not with propriety treat directly with the secretary of the honorable Chamber of Deputies. I therefore take leave to bring this matter to your excellency's knowledge, at the same time expressing my surprise that the secretary of the honorable Chamber of Deputies should have addressed himself to this legation and not to the ministry of your excellency.

Renewing the assurances, etc.,

PATRICK EGAN.

[Inclosure 3 in No. 247.—Translation.]

*Señor Matta to Mr. Egan.*MINISTRY OF FOREIGN RELATIONS,
Santiago, December 5, 1891.

SIR: While not questioning the grounds which your excellency had on receiving the note of the secretary of the Chamber of Deputies of which you inclose copy, to feel surprised that the request contained therein had not been made through the medium of this department, the undersigned believes he can explain this irregularity in a form in which it happily should not offend rights and immunities worthy of consideration.

The honorable envoy extraordinary can easily conceive that in treating of a matter so exciting as the accusation initiated the day before yesterday in the Chamber to Deputies against persons so conspicuous as Messrs. José F. Gana, Guillermo Mac-Kenna, and José Miguel Valdes-Carrera, whose actual residence is known to all, the secretary of the Chamber may have fallen into the error of addressing him directly in order to effect promptly the desired object, which may be of interest also to the three gentlemen named.

There having been received, together with the note of your excellency, copy of the one directed to you by the secretary, Don Maximo R. Lira, the undersigned deems it his duty, in his character of Secretary of Foreign Relations, to bring to the knowledge of your excellency that the accusation against the six ministers of ex-President Balmaceda, three of whom are refugees in the legation of North America, is a fact, and to request from you the permission in order that Señor Don Maximo R. Lira may enter at such hour as you may fix to comply with the duty intrusted to him.

The little irregularity mentioned by you to this ministry being excused, and concurring in the seriousness and great importance to justice as well as to the defense of the accused that there should be carried into effect the notification which has been ordered, the undersigned awaits until you may be good enough to determine the time for doing so, and availing of the occasion to reiterate, etc.

M. A. MATTA.

[Inclosure 4 in No. 247.]

*Mr. Egan to Señor Matta.*LEGATION OF THE UNITED STATES,
Santiago, December 7, 1891.

SIR: In replying to the note of your excellency of 5th December, referring to the accusation made in the honorable Chamber of Deputies against certain of the ex-ministers of state of ex-President Balmaceda, and the request conveyed by your excellency for permission for the secretary of the honorable Chamber, Señor Don Maximo R. Lira, to enter the house of this legation in order to notify some of the accused who are at present refugees therein, I beg to repeat to your excellency some passages from my note of 22d October last, addressed to your excellency bearing on this question, as follows: "In the note of your excellency of 26th September, No.

304, your excellency recognizes, as your excellency was obliged to do, the perfect right with which the undersigned had proceeded in giving asylum to certain political refugees. Your excellency states, 'the asylum emanated from the principle of extraterritoriality inherent to the person, the house, and the vehicles of the diplomatic agent.'

"In another part of the same note your excellency corroborates the same recognition of this right, adding: 'Notwithstanding that this department has been informed of the measures that have been taken in order to prevent the refugees in said legation from abusing the protection which has been legitimately afforded to them.'

"And again in the note of 29th September, referring to arrests which had taken place of various persons going out of the legation, your excellency says that same resulted 'not from the actions or official measures of the authorities, local or national, but from the concession, which the undersigned believes lawful, of asylum to certain offenders called political.'

"It is thus recognized by your excellency on three consecutive occasions that in granting asylum to the political refugees this legation has acted with perfect correctness in virtue of the principle of extraterritoriality accepted by your excellency, and, this being so, it is entirely inexplicable to the undersigned that your excellency could consider as submitted to the tribunals by the circular of 14th September the refugees in this legation who are beyond the reach of your excellency and of the judicial power to which your excellency refers.

"The house of this legation is considered as an integral part of the territory of the United States, and without the will and permission of my Government your excellency could not consider as subject to the judicial action of Chile those persons who, from every point of view, are beyond its jurisdiction."

In view of the continuance of the same situation, and for the same considerations stated in the foregoing quotation, I do not feel authorized to concede the permission requested in the note of your excellency.

Availing of the occasion, etc.,

PATRICK EGAN.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 9, 1891.

Mr. Blaine asks Mr. Egan whether the minister for foreign affairs asked him for the testimony which the Chilean minister insists was requested of him in the *Baltimore* case and was not given.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 12, 1891. (Received December 13.)

Mr. Egan, in reply to the telegraphic instructions of the 9th instant, denies that he was ever asked by the minister for foreign affairs to give any testimony except that referred to in the letters written by Capt. Schley to the authorities of Valparaiso, which has already been reported in his telegram of the 4th instant. He repeats that he had no personal knowledge of the circumstances of the case; that the request of the minister for foreign affairs for testimony was made in the note of November 9, about which he called on the 14th on the under secretary and on two other occasions on the minister, and stated that the matter was being treated directly between the Valparaiso authorities and Capt. Schley; that the minister expressed to him his entire satisfaction and

agreed that the circumstances made a written reply to his note unnecessary. A copy of said note was inclosed in his dispatch No. 230 of November 11.

Mr. Egan to Mr. Blaine.

No. 249.] LEGATION OF THE UNITED STATES,
Santiago, December 12, 1891. (Received January 22, 1892.)

SIR: I have the honor to acknowledge receipt of your telegram of 9th instant, stating that Chilean minister insists that I had been asked to give testimony in *Baltimore* case and that I had not done so, to which I replied to-day by telegram.

For a full explanation of this matter I beg to refer you to my dispatch No. 245 of 4th instant, and have again to express my surprise at the statement communicated by the minister of foreign relations here to the Chilean minister at Washington.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 250.] LEGATION OF THE UNITED STATES,
Santiago, December 12, 1891. (Received January 22, 1892.)

SIR: I have the honor to forward copy letter received from Capt. Schley, of the *Baltimore*, dated 9th instant, with attached copy of letters which complete the correspondence between him and the Intendente of Valparaiso, and also informing me of the intended departure of his ship on 11th instant for San Francisco.

I have, etc.,

PATRICK EGAN.

(Inclosure No. 1 in No. 250.)

Capt. Schley to Mr. Egan.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, December 9, 1891.

MY DEAR MINISTER: I have the honor to inclose for your information communications marked A, B, C, etc., that I have had with the Intendente since my last letter with inclosures. These letters close my correspondence with his excellency upon matters relating to the assault on my men and other incidents of the trial now in progress before his honor the Judge of Crimes.

I am just in receipt of orders from the Secretary of the Navy directing me to proceed with dispatch to San Francisco, Cal., and as the court needs no more testimony from my men I will sail on Friday morning at 9 o'clock. I regret that I shall not have the pleasure of seeing you before sailing, though I hope to return.

Captain Wiltse telegraphs me that he will sail on Friday from Montevideo for Valparaiso, so you will have two excellent ships to replace the *Baltimore*. I know that the relations between you and the commanders of these two beautiful ships will be quite as agreeable and delightful as with myself. But in taking leave of you, my dear minister, I need hardly add that I do so with much regret, and I assure you that I go away with the fullest pride and confidence that we have the right man in the right place.

Very cordially yours,

W. S. SCHLEY,
Captain, commanding.

[Attachment A to inclosure.]

*Capt. Schley to the intendente of Valparaiso.*U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, Chile, December 3, 1891.

SIR: In reply to his honor's letter informing me that one of my men was discourteous to him by appearing in his presence drunk, I have the honor to inform you that I have approved the sentence of the court-martial which adjudged a punishment of solitary confinement for thirty days in double irons on bread and water and the loss of three months' pay.

I beg at the same time to correct the impression given by his honor's letter that the witness was so intoxicated that he could give no testimony. His testimony had already been given, and the man was unable to sign it when authenticated and ready for signature, two or three hours later. It was for this disrespect to the judge, in appearing before him intoxicated, that I ordered him court-martialed and approved the court's sentence in its entirety.

I have the honor to be, sir, very respectfully,

W. S. SCHLEY,
Captain, Commanding.

[Attachment B to inclosure.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLIC OF CHILE,
INTENDENCIA OF VALPARAISO,
Valparaiso, December 5, 1891.

SIR: I have had the honor to receive your letter of the 3d, in which you are good enough to communicate to me that you have approved the sentence which the court-martial had imposed upon the sailor who presented himself intoxicated before the criminal court of this city, on the day in which their declarations were taken, referring to the events of the 16th of October last.

The Intendencia has transcribed your mentioned communication to his honor the judge of crimes, for purposes in view.

God guard you.

J. DE D. ARLEGUI.

[Attachment C to inclosure.]

Capt. Schley to the Intendente of Valparaiso.

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, December 9, 1891.

SIR: I have the honor to request that you will inform me whether his honor, the judge of the criminal court, will require any further testimony from the men of the *Baltimore*, in the process now pending relative to the disorders of the 16th of October.

I would be greatly obliged if your excellency will favor me with this information at the earliest practicable moment.

I have the honor to be, sir, very respectfully,

W. S. SCHLEY,
Captain, commanding.

[Attachment D to inclosure.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLIC OF CHILE,
INTENDENCIA DE VALPARAISO,
Valparaiso, December 9, 1891.

I have the honor to acknowledge the receipt of your official letter dated to-day in which you are good enough to ask this Intendencia if there will be any necessity for further testimony from other sailors with respect to the disorders which took place on the 16th of last October.

Notwithstanding not having received any official reply from his honor, the judge of the criminal court to whom I have transcribed your official note, I am able to anticipate to you, without prejudice in transmitting the reply which I am expecting from the court, that I believe there will be no further need for the appearance before the judge of the sailors of the *Baltimore*, inasmuch as all citations referring to them are completed.

God guard you.

J. DE D. ARLEGUI.

[Attachment E to inclosure.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLIC OF CHILE,
Intendencia of Valparaiso, December 10, 1891.

His honor the judge of the criminal court in an official letter dated yesterday, informs me as follows:

"The undersigned has to advise you of the receipt of your note number 3629 of the 5th of the present month, in which you are kind enough to transcribe a communication from the captain of the cruiser *Baltimore*, giving an account of the approval of the sentence pronounced on board said cruiser by a court-martial against one of his crew for the offense committed against this tribunal in presenting himself drunk at the hearing of the 29th (?) of November last, the day on which the confrontation took place, to which several sailors of that vessel and the culprits in the cause had been opportunely cited.

"In thanking the captain, through the official channel of yourself, for the delicate zeal with which he has proceeded to punish the offense, committed in this tribunal by one of his men, I make it a duty to state that the undersigned is fully satisfied with the procedure adopted; and now that the respect due to the tribunal has been upheld, the undersigned would be particularly pleased if the remaining time of punishment of the sailor before alluded to were remitted, if this suggestion is not contrary to the rules and practices of the United States Navy.

"Since, from the note sent to you by the captain of the *Baltimore*, it appears apart that this commanding officer has believed that the undersigned, in communicating to you in his note No. 412, of the 26th November last, regarding the state of intoxication in which some of the sailors of that ship had presented themselves before the tribunal, wished to give the idea that the sailor who was removed from the hearing by force had not been able to give his declaration, must add that in my mentioned note there will not be found the assertion relative to the fact to which the captain alludes.

"On this account, and in order to avoid ambiguities, and to leave a fixed idea, I believe that the sailor referred to gave his declaration without any trouble whatever, and that he became intoxicated during the time in which, with the permission of the tribunal, he remained outside of the court room, together with his other companions, while the declarations which all had made in English were being translated into Spanish. When the work was completed and the sailors were recalled for the verification was when the bad condition of two or three of the sailors was noticed, and especially the one punished by the court-martial on the *Baltimore*.

"Besides, it is exact, that the verification of the testimony of witnesses was possible as soon as the trouble ceased by which the last of the sailors spoken of rendered himself liable to punishment. I inform you of this in reply to your previously mentioned note, and in order that you may be kind enough to transcribe the present contents to the captain of the cruiser *Baltimore*."

Which I transcribe to you for your information and purposes in view.

God guard you.

J. DE D. ARLEGUI.

[Attachment F to inclosure.—Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLIC OF CHILE,
Intendencia of Valparaiso, December 10, 1891.

Although in my official letter of yesterday I had the honor to inform you that in my opinion there would be no necessity for further explanations from the sailors of the cruiser under your command, relative to the unfortunate occurrence of the 16th

of October, I have to-day the pleasure of transcribing to you the official letter in which his honor the judge of the criminal court confirms my private impression which I transmitted to you.

The official note of his honor the judge of the criminal court is as follows:

"In replying to your note No. 3661 dated to-day, I am glad to inform you that according to the certification of the clerk of the court in the case, there no longer remains any pending declaration or citation of the sailors and crew of the *Baltimore*, in relation to the disorders of the 16th of October last.

"Consequently the undersigned believes that the advanced state of the process will not require in the future proceedings the appearance of the indicated sailors."

Which I have the honor to communicate to you for your information and other purposes in view.

God guard you.

J. DE D. ARLEGUI.

[Attachment G to inclosure.]

*Capt.*Schley to the Intendente of Valparaiso.*

U. S. S. BALTIMORE (FIRST RATE),
Valparaiso, Chile, December 10, 1891.

SIR: I have the honor to acknowledge the receipt of your excellency's two communications of this date, referring to incidents of the trial now in progress relative to the unfortunate occurrence of the 16th of October last, and the absence of further necessity for the appearance of my men.

In reference to the request of his honor to remit the unexpired term of the confinement of McWilliams, I have the honor to state that in deference to his wish I shall be pleased to accede to his request.

I have the honor to be, sir, very respectfully,

W. S. SCHLEY,
Captain, commanding.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 12, 1891. (Received December 13.)

BLAINE, *Washington.*

The following telegram* from minister foreign relations, sent Chilean minister, Washington, with sanction of President, was read in Senate and published in all papers to-day. I send original Spanish to avoid errors or misunderstanding regarding translation.

I have officially written minister asking if the text as printed is correct.

Señor PEDRO MONTT, *Washington:*

Conociendo la parte de la Memoria de Marina y del Mensaje Presidente Estados Unidos, creo oportuno decirle que los informes sobre los cuales se apoyan Memoria y Mensaje son erróneos ó deliberadamente inexactos.

Respecto asilados, nunca han estado amenazados de ser tratados con crueldad, ni se les ha pretendido sacar de la Legacion, ni pedidose entrega de ellos.

Jamás la casa ni la persona del Plenipotenciario, á pesar de indiscreciones y provocaciones calculadas, han recibido agravios, como está comprobado por las once notas de Septiembre, Octubre y Noviembre.

Respecto marineros *Baltimore*, tampoco hay exactitud ni lealtad en lo que se dice en Washington.

* It has been deemed best, for greater accuracy, to substitute for the copy of the note addressed by Señor Matta to Mr. Montt, as telegraphed by Mr. Egan, the copy as printed in the *Diario Oficial*, which was received by Mr. Egan from the Chilean Foreign Office, having upon its face the official seal of that office.

El suceso tuvo lugar en malos barrios de la ciudad, el *Mainlop* de Valparaíso; y entre gentes que no son modelo de discreción y temperancia.

Cuando la policía y otras fuerzas intervinieron y calmaron el tumulto, había ya algunos centenares de hombres y él estaba á diez cuadras ó mas del sitio donde empezó.

Mr. Egan pasó nota agresiva de propósito y virulenta de lenguaje, el 26 de Octubre, como se ve por la copia y nota contestada el 27.

El 18 se había empezado sumario que se ha demorado por no comparecencia tripulantes del *Baltimore* y por pretensiones y negativas indebidas del mismo Mr. Egan.

Jamás de parte de esta Secretaría se ha aceptado ni iniciado una provocación, conservándose siempre en actitud que, si ha sido de firmeza y de prudencia, nunca ha sido de agresión ni será de humillación por mas que los interesados en cohonestar su conducta ni ofuscados por erróneos conceptos hayan dicho ó digan en Washington.

Los telegramas, notas y cartas enviadas á Usía contienen la verdad, toda la verdad, delo que ha habido en estas gestiones, en las cuales la mala voluntad, las palabras y las pretensiones consiguientes no son de esta Secretaría. El señor Tracy y señor Harrison han sido inducidos en error respecto nosotros, pueblo y Gobierno.

Las instrucciones de imparcialidad y de amistad no han sido cumplidas ni ahora ni antes.

Si no ha habido quejas oficiales contra Ministro y marinos es porque los hechos públicos y notorios en Chile y Estados Unidos no se han podido hacer valer por nuestros agentes confidentiales, aun cuando estén bien comprobados.

Las peticiones de Balmaceda y las concesiones hechas en Junio y Julio, todo lo del *Itata*, el *San Francisco* en Quintero y las compañías del Cable son pruebas de ello.

Es calculadamente inexacto que los marineros norte americanos fuesen atacados en varias localidades á un tiempo. No estando concluido sumario, no se sabe aún cuantos ni quienes son los culpables.

Usía debe tener la nota de 9 de Noviembre, contestando á Ministro Egan, como aquella en que se le pidió testimonio que no ha querido dar, sin embargo de haber dicho que él tenía las pruebas para señalar al homicida y otros culpables del 16 de Octubre.

Esa y todas las demás notas se publicarán aquí. Usía debiera publicarlas traducidas allá.

Desautorice, entre tanto, todo lo que sea contrario á estas noticias, seguro de su exactitud, como lo estamos del derecho del decoro y del éxito final de Chile, á pesar de las intrigas que van de tan abajo y de las amenazas que vienen de tan alto en la actualidad.

MATTA.

EGAN.

[Translation.]

Having read the portion of the report of the Secretary of the Navy and of the message of the President of the United States, I think proper to inform you that the statements on which both report and message are based are erroneous or deliberately incorrect.

With respect to the persons to whom an asylum has been granted, they have never been threatened with cruel treatment, nor has it been sought to remove them from the legation, nor has their surrender been asked for.

Never has the house nor the person of the plenipotentiary, notwithstanding indiscretions and deliberate provocations, been subjected to any offense, as is proved by the eleven notes of September, October, and November.

With respect to the seamen of the *Baltimore*, there is, moreover, no exactness nor sincerity in what is said at Washington.

The occurrence took place in a bad neighborhood of the city, the *Mainlop* of Valparaíso, and among people who are not models of discretion and temperance.

When the police and other forces interfered and calmed the tumult, there were already several hundred people there, and it was ten squares or more from the place where it had begun.

Mr. Egan sent, on the 26th of October, a note that was aggressive in purpose and virulent in language, as is seen by the copy and the note written in reply on the 27th.

On the 18th the preliminary examination had already been commenced; it has been delayed owing to the nonappearance of the officers of the *Baltimore* and owing to undue pretensions and refusals of Mr. Egan himself.

No provocation has ever been accepted or initiated by this department. Its attitude, while it has ever been one of firmness and prudence, has never been one of

aggressiveness, nor will it ever be one of humiliation, whatever may be or have been said at Washington by those who are interested in justifying their conduct or who are blinded by erroneous views.

The telegrams, notes, and letters which have been sent to you contain the truth, the whole truth, in connection with what has taken place in these matters, in which ill-will and the consequent words and pretensions have not emanated from this department. Mr. Tracy and Mr. Harrison have been led into error in respect to our people and Government.

The instructions [recommending] impartiality and friendship have not been complied with, neither now nor before.

If no official complaint has been made against the minister and the naval officers, it is because the facts, public and notorious both in Chile and the United States, could not, although they were well proved, be urged by our confidential agents. Proof of this is furnished by the demands of Balmaceda and the concessions made in June and July, the whole *Itata* case, the *San Francisco* at Quintero, and the cable companies.

The statement that the North American seamen were attacked in various localities at the same time is deliberately incorrect.

As the preliminary examination is not yet concluded, it is not yet known who and how many the guilty parties are.

You no doubt have the note of November 9, written in reply to Minister Egan, in which I request him to furnish testimony which he would not give, although he had said that he had evidence showing who the murderer was and who the other guilty parties of the 16th of October were.

That and all the other notes will be published here. You will publish a translation of them in the United States.

Deny in the mean time everything that does not agree with these statements, being assured of their exactness as we are of the right, the dignity, and the final success of Chile, notwithstanding the intrigues which proceed from so low [a source] and the threats which come from so high [a source].

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 13, 1891. (Received December 14.)

The following is my note to minister of foreign relations:

DECEMBER 12, 1891.

Hon. MANUEL A. MATTA:

SIR: Having learned to-day of the interrogation put yesterday in the Honorable Senate applying to the relations between the United States and Chile, I desire to know, officially and at the earliest moment possible, if the telegram directed by your excellency to Señor Don Pedro Montt in Washington, and which your excellency read in the Senate, is the same as that published in the *Ferro-Carril* of to-day, a copy of which I have the honor to send herewith. In this telegram your excellency, as minister of foreign relations of Chile, referring to the message of the President of the United States and the report of the Secretary of the Navy, says:

[Translation.] The statements on which both report and message are based are erroneous or deliberately incorrect * * * With respect to the seamen of the *Baltimore*, there is, moreover, no exactness nor sincerity in what is said at Washington.

Referring to my note of 26th October your excellency characterizes it as—

[Translation.] aggressive in purpose and virulent in language.

With regard to the summary examination begun on the 18th of October your excellency says that:

[Translation.] It has been delayed owing to the nonappearance of the officers of the *Baltimore* and owing to undue pretensions and refusals of Mr. Egan himself.

Alluding to the testimony regarding the summary your excellency says:

[Translation.] You no doubt have the note of November 9, written in reply to Minister Egan, in which I request him to furnish testimony which he would not give, although he had said that he had evidence showing who the murderer was and who the other guilty parties of the 16th of October were.

And your excellency concluded this telegram by saying:

[Translation.] Deny in the meantime everything that does not agree with these

statements, being assured of their exactness, as we are of the right, the dignity, and the final success of Chile, notwithstanding the intrigues which proceed from so low [a source] and the threats which come from so high [a source].

I beg your excellency to be good enough to favor me with a reply regarding the authenticity of the telegram to which I refer and which your excellency has read to the honorable Senate with, as stated by your excellency, the special authority of his excellency the President of the Republic and after having consulted with the other members of the honorable cabinet.

With the due expression of my consideration, I remain your excellency's obedient servant,

PATRICK EGAN.

Since addressing the above note I find that the telegram referred to has appeared in the same terms in the official diary, and has been forwarded by the Chilean minister at Buenos Aires to all Chilean legations in Europe. The correspondence between this legation and the Government on the *Baltimore* case is published in all papers here to-day.

EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 14, 1891. (Received December 15.)

I have just received the following reply to my note of 12th December, 1891:

[Translation.]

SIR: Yesterday, after 6 o'clock in the evening, at his house, the undersigned received your note of the 12th, in which, inclosing a copy of the newspaper called the *Ferro Carril*, containing the telegram addressed on the 11th instant to Don Pedro Montt at Washington, you inquire whether the printed text is authentic. In reply the undersigned has the honor to state that, with the exception of very slight differences of words or letters, the said text is the same that was transmitted by the department of foreign relations.

The copy of the newspaper inclosed in your note is herewith returned to you, and, to the end that a comparison may be made, the undersigned incloses the Official Journal of the 12th, wherein you will find the genuine text of that telegram, and the contents of the series of notes which have passed between the United States legation and this department in relation to the riot of October 16 and to the case of the persons to whom an asylum has been granted. Inasmuch as that telegram is an official act of the Government of Chile, whereby it communicates instructions to its envoy extraordinary and minister plenipotentiary in the United States of North America, any explanation or dissertation on the part of the undersigned could add nothing to its contents, which are to serve as a guide for Don Pedro Montt at Washington in treating of these matters. Your note being thus answered, the undersigned renews to you, as usual, the assurance of his high consideration, and signs himself,

Your obedient servant,

M. A. MATTA.

EGAN.

Mr. Egan to Mr. Blaine.

No. 251.] LEGATION OF THE UNITED STATES,
Santiago, December 14, 1891. (Received January 22, 1892.)

SIR: I have the honor to inclose a copy of a telegram* sent on 12th instant, transmitting copy of a telegram forwarded by the minister of foreign relations to the Chilean minister in Washington and read by

* See telegram from Mr. Egan, dated December 12.

the minister in the Senate here, with, as he stated, the authority of the President and after consultation with his colleagues of the Cabinet. I telegraphed the document in Spanish as published, and as you must have in the Department the necessary datum to enable you to judge of its entire want of veracity, as well as of its animus, I did not deem it necessary to accompany it with any denials or comments of my own; nor do I think it necessary now to do so beyond giving one illustration of the entirely careless manner in which this gentleman flings statements and charges of bad faith, deliberate misrepresentations, and want of truth and loyalty against all with whom he happens to differ in opinion from this legation and the officers of the Navy to the President of the United States.

In one short paragraph of his telegram to Señor Montt there are, as can be seen from the correspondence now on file in the Department, two misstatements, one of them of a serious nature, in reference to me. He says:

V. S. debe tener la nota de 9 de Noviembre contestando al Ministro Egan, como aquella en que se le pidió testimonio que no ha querido dar, sin embargo de haber dicho que el tenía las pruebas para señalar el homicida y otros culpables del 16 de Octubre,

which, translated, reads

You should have the note of 9th November replying to Minister Egan, being the one in which he is asked for testimony which he has not been willing to give, notwithstanding having said that he had the proofs, in order to indicate the murderer and the other criminals of the 16th October.

In the first place the communication of the minister of 9th November was not a reply to one of mine, but an original note, and in the second, there is no record of my having said, and I never did say, that "I had the proofs in order to indicate the murderer and other criminals of the 16th October."

As can be seen by reference the note of 9th November was not based upon anything that I said or wrote, but upon a communication of Capt. Schley to the Intendente of Valparaiso, dated 1st November, which is fully dealt with in my No. 245 of 4th December instant, and in which he said:

I am of opinion that if application be made to him (the United States ministry) your excellency will be supplied with the names of several individuals who will be able in their turn to give you other names of persons who saw the killing of Riffin and the wounding of a number of others of my men during the lamentable disorders of the 16th ultimo.

In consequence of the most extraordinary terms of this telegram I addressed to the minister, under date of 12th instant, a note* requesting to be informed if the text as printed in the *Ferrocarril* was authentic, to which I received to-day the reply† of the minister informing me that with the exception of some slight words and letters the telegram as printed was the one transmitted by the minister of foreign relations, and that it is an official act of the Government of Chile which must serve as the rule of conduct of Señor Montt in Washington in reference to the matter referred to.

This telegram, which was read in the Senate the 11th instant, accompanied by a very bitter speech from Minister Matta, was published in the *Diario oficial* with, as stated by the minister, the authority of the

* See telegram from Mr. Egan, dated December 13.

† See telegram from Mr. Egan, dated December 14.

President of the Republic, and after consultation with the other members of the cabinet and has been telegraphed by the Chilean minister in Buenos Ayres to all the Chilean legations in Europe.

I forwarded by telegraph, without abbreviation and without ciphering, my note to minister of foreign relations and his reply. I forward copy of telegram as published in the *Diario oficial*.*

As the telegram to Señor Montt, which having been read in the Senate by the minister, printed in the *Diario oficial*, telegraphed to the various Chilean legations and published broadcast, has become an official reply of the Chilean Government to the message of the President of the United States, is not only injurious to the officers of the United States Navy and to this legation, but offensive to the Secretary of the Navy and to the President himself, I feel that I should, until the language of the telegram be withdrawn or until I may receive your further instructions, avoid exchanging communications with this Government.

I have, etc.,

PATRICK EGAN.

Mr. Blaine to Mr. Egan.

No. 158.]

DEPARTMENT OF STATE,

Washington, December 15, 1891.

SIR: I have received your No. 223 of the 9th ultimo, inclosing copies of your correspondence with our consul at Valparaiso concerning the case of Patrick Shields, an American seaman, who alleges that he was arrested without cause and brutally treated by the police of that city.

The consul's action in bringing the matter to the attention of the local authorities and asking an investigation is approved.

I am, etc.,

JAMES G. BLAINE.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF UNITED STATES,

Santiago, December 17, 1891.

Mr. Egan reports that he has not thought necessary to comment upon the instructions sent by the Chilean Government to its minister at Washington, but that pending further instructions he has suspended communicating with the Foreign Office. He states that policemen in uniform and numerous detectives have been for several days past been surrounding both his and the Spanish legations in an offensive manner; that they are now on ostentatious watch at each corner of the block in which the legation is located. He reports that the ex-President of Ecuador and several other persons have been arrested in the last few days after leaving the Spanish legation, and that he is promised the harmonious coöperation of the new Spanish chargé d'affaires. He states that the newspapers are relentless in their offensive and unscrupulous attacks and that he learns from different sources and on rumors which seem to be well founded that it is intended to drive out the refugees by attempt-

* See telegram from Mr. Egan, dated December 12.

ing to burn the legation or an adjoining house. He relates the expressions of approval from members of the diplomatic corps and says that the British minister has commended to his Government the position taken by him in the whole matter.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 19, 1891. (Received December 20.)

Mr. Egan reports that the legation is still being watched by some twenty policemen, whose attitude he describes as most offensive, and that his son, an employé of the legation, was, for having gone out from the legation at 5 p. m., seized by the arm by a detective, who detained him on the street and called two regular policemen to his aid. He adds that he was allowed to proceed as soon as he was recognized.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 21, 1891. (Received December 22.)

Mr. Egan reports that two gentlemen who had called on the refugees were arrested at different times on going out of the legation and taken to the police barracks, but were liberated on the absence of any reason for their being detained. He says that on the previous day the minister of the Argentine Republic called at the legation on his request, saw how the police are surrounding the legation, and promised to have a consultation with the diplomatic corps, of which he is dean, and a talk with the minister for foreign affairs.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES.
Santiago, December 22, 1891.

Mr. Egan reports that the Argentine minister made representations on the previous day to the minister for Foreign Affairs as dean of the diplomatic corps, who promised that only the police officers in uniform would be left around the legation and the detectives should be withdrawn. He states that the annoyances have been abated, but not removed, and the promise made by the foreign office complied with in part only.

Mr. Egan to Mr. Blaine.

No. 253.] LEGATION OF THE UNITED STATES,
Santiago, December 22, 1891. (Received January 22, 1892.)

SIR: For the past week this and the Spanish legation have been surrounded by policemen and sometimes by soldiers in uniform and by a number of spies of the *Peon* or half-breed class, whose attitude has

been most offensive. There has been most of the time a group of from four to six of those persons stationed ostentatiously at the corner of the block, less than 50 feet from the legation, while others walk up and down and scrutinize all who enter or go out. At the Spanish legation some of these spies are to be found sitting on the very doorstep, and several persons have been arrested on going out from there.

In telegram of 17th instant I informed you of this condition of things. I also informed you of the unscrupulously offensive tone of the press, which invents and circulates every kind of calumny against the officers of the U. S. Navy and against this legation.

From Talcahuano, as well as from what I believe to be trustworthy sources here, I learn of a contemplated attempt to burn the legation or an adjoining house in order to force out the refugees, but of such attempts I have no fears, as I am taking every possible precaution.

In the same telegram I informed you that the English minister had written his Government in commendatory terms regarding the position which I have maintained here. This I had direct from himself, and he told me at the same time that he had written his Government, strongly dissenting from certain statements sent to the London *Times* by a correspondent named Thomson, whom they have sent here, and who has been doing everything possible to antagonize the United States' interests in this country.

On the 19th instant I informed you by telegram that my son, who is an employé of the legation, had been seized by the arm and detained by a police spy on going out of the legation, and when he insisted on proceeding, the spy called to his aid two policemen in uniform, but on one of these recognizing my son he was allowed to proceed. On the night of the same day, at about 10 o'clock, a number of those spies and police became intoxicated and in front of and close to the legation made such a disturbance that a police officer and a number of men were obliged to come to restore order.

The situation had become so vexatious that I wrote a note to Señor don José E. Uriburu, the Argentine minister, who is dean of the diplomatic corps, and requested him to come to the legation and see for himself the manner in which the authorities were acting. I inclose a translation of my note of which fact I informed you by telegram of yesterday. I also informed you of the arrest, on leaving this legation, of two gentlemen who had called to visit some of the refugees, and that after being conducted to the police barracks they were liberated, there being no grounds for detaining them.

To-day Señor Uriburu called to say that on yesterday he had an interview with the minister of foreign relations, whose attention he called to the unprecedented state of things around this legation, and that the minister promised he would withdraw the spies, leaving only the policemen in uniform. Although the minister has not fully complied with his promise the annoyance to-day is somewhat abated, and of this fact I informed you by telegraph.

There is a change in the Spanish legation, Señor Ordoñez, the late minister, having left on 15th instant, and the new minister has not yet arrived. But for this I believe there would be a vigorous protest against the state of siege in which that legation is placed.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 253.—Translation.]

Mr. Egan to Señor Uriburu.

LEGATION OF THE UNITED STATES.

Santiago, December 19, 1891.

SIR: It is probable that your excellency may have had the opportunity to read the communications that have passed between this legation and the minister of foreign relations, some of which referred to a continued series of vexations inflicted upon this legation.

This situation, anomalous and disrespectful towards the person and the residence of the representative of the United States, continues, and is even increasing to proportions that each day become more improper and offensive to the respect due in all civilized countries to diplomatic agents.

I should esteem it a favor if your excellency, as the worthy dean of the diplomatic corps resident in Santiago, would kindly call at this legation at such hour as may be convenient, in order that your excellency may see personally the proceedings that are being adopted, since such treatment, disrespectful and unworthy, can not be looked upon by your excellency or by the diplomatic corps otherwise than with surprise and regret.

Availing, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,

Santiago, December 22, 1891.

Mr. Egan asks whether, in view of the injurious and offensive terms which have been published and still stand, of the telegram sent on the 11th December by the foreign office to the Chilean minister near the United States, he may attend the inauguration of the President of Chile, which is to take place on the 26th of December.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,

Washington, December 22, 1891.

Mr. Blaine warns Mr. Egan against making the legation dispatches public.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,

Santiago, December 24, 1891.

Mr. Egan acknowledges the instructions relating to publicity of dispatches and says that he will strictly comply and has exercised the greatest care in that respect.

Mr. Egan to Mr. Blaine.

[Telegram.]

- *Santiago, December 27, 1891.* (Received December 28.)

Mr. Egan reports that the legation is still under the surveillance of police officers and of detectives of the lowest class; he says that several letters, which were undoubtedly also sent to Washington, were published on the 26th, in which the governor of Santiago submits reports to the minister of Foreign Affairs from the police in vindication of the conduct of the authorities towards the legation, composed of a tissue of misrepresentations and untruths. He says that cabinet ministers, members of both houses of Congress, council of state, judiciary, generals and colonels of the army and many others are excluded from the amnesty which has been voted. He says that in absence of instructions he did not attend the inauguration of the President, which took place on the 26th, and that the President of the Senate, at a banquet given in the evening by the President, expressed wishes for the happiness of the nations which were represented at the inauguration of the new Government. He states that the intention of getting the right men is delaying the formation of a new ministry.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, December 30, 1891.

Mr. Egan reports that the Chilian Government have received from Grace & Co. information as to the intention of the United States Government to deliver an ultimatum, and that the British minister, under instructions received from his Government in consequence of similar news, called at the Foreign Office this day and urged a course of conciliation upon the minister of Foreign Affairs, who, however, maintained with firmness and defiance the attitude assumed by him. He adds that he has hopes that when a new ministry has been formed a better spirit will be evinced, but that, for reasons already telegraphed by him, it has not, up to this date, been possible to form it.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 1, 1892.

Mr. Egan, announcing the formation, on that day, of a new ministry composed of two Conservatives, one Radical and three Liberals, says that two of them are his personal friends and that he has excellent relations with all, and that conciliation will mark the disposition towards the United States. He says that at least two of the new cabinet officers have openly disapproved the telegram sent to Chile's representa-

tive in Washington by the minister of Foreign Affairs, that it is strongly condemned by public opinion, and that it will now be, in his opinion, no difficult matter to have its terms disavowed or the telegram itself withdrawn. He also thinks that all the questions, safe-conduct for the refugees, assault on the *Baltimore* men, and disrespect to the legation, will be completely settled.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 8, 1892.

Mr. Blaine asks whether all that is personally offensive to the President and other officers of the United States in the December circular of the late minister of foreign affairs will be withdrawn by the new Government, also whether a safe-conduct will be granted to the refugees who are still in the legation, and, finally, whether all surveillance of the legation has been removed.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 11, 1892.

Mr. Egan replies that he will return a full answer to Mr. Blaine's telegram in the morning, when he expects to see the minister for foreign affairs, whom he could not succeed in seeing on Sunday. He explains that on Saturday he was in Valparaiso and placed two of the refugees on board the cruiser. He says that they were not granted formal safe-conducts, and that the legation is still sheltering five refugees.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 12, 1892.

Mr. Egan reports that he had a conversation with the minister for Foreign Affairs on this day, in the course of which he secured for all the refugees permission to leave the country, and was assured verbally that no harm would be done them, but could not obtain a written safe-conduct; that on the first question he could only receive a promise for as early a reply as possible, the absence of the President in Valparaiso making it impossible for him to answer at once, and that the legation is now entirely free from espionage.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 12, 1892.

Mr. Egan says that the judge's report, in the case of the assault on the *Baltimore* men, which is of great length, recites that the commander of the police makes it appear that an insignificant quarrel, the cause of which is not known to him, between a Chilean sailor and an American, was the origin of the disturbances in which a very large number of people became engaged; that 5 Americans and 1 Chilean were wounded and 31 Americans and 11 Chileans arrested; that the Chilean doctor insists that Turnbull (who was wounded eighteen times and died shortly afterwards) had but thirteen wounds, which were curable in one month, and that Riggins's death was caused by a pistol shot.

He adds that the testimony of several American sailors, who, however, were unable to recognize their assailants, shows that they were wounded, taken prisoners, and that the attack was unprovoked. He states that the testimony of many important witnesses, notably that of the conductor of the street car, from which Riggins was dragged, was not taken, and that deductions and suggestions against the *Baltimore* men are found in the general evidence which are unjustifiable; that the "fiscal" says that the attack of three Americans on one Chilean sailor, all being drunk, began the disturbance (which is not supported by evidence), and that Turnbull was wounded in the midst of an attack made on three Chilean sailors by thirty Americans; that John Davidson struck with a stone a Chilean sailor who was chasing his companion Hamilton, knife in hand, and admitted that he did so strike him; that for this offense the fiscal demands a penalty of from twenty-one to forty days for Davidson, the same for one of the Chileans, of from two to eighteen months for another Chilean, and of from three to five years for Gomez. He thinks it may be about two months before the final sentence is passed.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Valparaiso, January 13, 1892. (Received 3 p. m.)

Have just placed in safety on board *Yorktown* remaining five refugees from my legation, also two refugees from Spanish legation, who were accompanied by Spanish minister. Italian minister also accompanied.

EGAN.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 13, 1892.

Mr. Blaine asks whether the promotor fiscal in one of the five points made by him, viz, the third, says that the evidence of the officers and crew of the *Baltimore* has been thrown out because conflicting, as Capt. Evans of the *Yorktown* telegraphs.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 15, 1892.

Mr. Egan replies to the telegram of the 13th, and says that the fiscal analyzes at great length Johnson and Langan's sworn testimony, which shows that a policeman fired at close range the rifle which killed Riffin, and throws it out, in its entirety, as conflicting; that the same officer ignores the evidence of the officers and surgeon of the *Baltimore* and the circumstance of Johnson's tie and shirt being pierced by a bullet, and arrives at the conclusion that Riffin's death was caused by a revolver shot.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 16, 1892.

Mr. Egan transmits a relation of the interview which the minister of foreign affairs accorded on that day and says that he was told that in view of Mr. Blaine's indications and on the ground, taken by the former Secretaries of State Buchanan and Webster that no foreign power, through its representatives, could make the message of a President of the United States the basis of diplomatic representations or controversy, his Government will not have any objection to withdrawing all that may be considered disagreeable to that of the United States in the telegram sent to their representative in Washington by the former minister of foreign affairs. He adds that he expressed an opinion that an expression of regret for such parts of that document as were considered offensive to the President and other officers of the United States would be expected to complement the withdrawal and that he received from the minister positive assurance that the Chilean minister near the United States had been instructed to express regret for all that might create unpleasantness between the two governments in the case. He wishes to know what action he is to take.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 16, 1892.

Mr. Blaine points to essential differences between anything maintained by Mr. Webster and what was done by Mr. Matta when, in his message of the 13th December, he instructed Mr. Montt to have that document printed in the United States and referring to the palpable

insults found in it against the President and other officers of the United States says that, in his opinion, the transmission of the circular was unprecedented. He declares that the desired withdrawal by President Montt of everything of a discourteous character should be done freely and in suitable terms by Chile. He enjoins prompt action.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
VALPARAISO, *January 17, 1892.* (Received January 18.)

On January 11 read for the minister of foreign affairs your telegram January 8; and in his reply to the questions regarding safe-conduct said that he could not, on behalf of the Chilean Government, grant safe-conduct, but personally he would give me the assurance that the refugees leave country whenever they pleased. I pressed for written safe-conduct on the ground that in going by passenger steamer which stops at Chilean ports they might be interfered with by the local authorities. Minister assured me that he would take measures that there should be no such interference, and that they could go with entire security.

On January 12 I called at the department of foreign relations and informed undersecretary that on that night I should accompany refugees to Valparaiso. Did it, and refugees engaged passage by the British steamer, some to Montevideo and some to Iquique.

On January 15 I had interview with the minister, who maintained that he gives no permission nor promise of security for the refugees, and refuses to guarantee their safety in passing Chilean ports. He at the same time expressed displeasure that I and the Spanish minister and the Italian minister had accompanied them, and also that the commander of the *Yorktown* fired customary salute for the Spanish minister.

Under these circumstances they can not leave *Yorktown*, and the commander of the *Yorktown* has telegraphed for instructions as to what disposition he shall make of them.

EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Valparaiso, *January 17, 1892.* (Received 6:18 p. m.)

TO BLAINE, Washington:

The following is from *La Union*, of Valparaiso, of to-day:

[Translation.]

THE REFUGEES ON BOARD OF THE YORKTOWN.

Some of the gentlemen who are stuck fast on board of that vessel intended to sail for Europe yesterday by the *John Elder*. Others intended to go north by the steamer *Punto*. It was said that the refugees had come with a safe-conduct from the supreme

Government, and that they consequently had nothing to fear if they sailed without the protection of the North American flag; but we understand that no such safe-conduct has been given, and that at the last moment they felt in the seat of remorse and fear sundry blows which admonished them not to risk the game, and, perhaps, even with their passage paid, they remained. Thus the reader has them, like oysters on a rock, stuck fast on board the *Yorktown*, which is probably not very satisfactory to the officers of the cruiser, who have doubtless been compelled, as courteous seamen, to give up some of their comforts, which are not many, for the benefit of their numerous guests. It is said, moreover, that great trouble is caused to the servants. The situation of the refugees is one of uncertainty, for they do not know whether to remain here or go to Europe or return to Santiago.

On Friday the *Heraldo*, which belongs to a member of the present cabinet, printed virulent and utterly untruthful personal attack on me, instigated by correspondent of London *Times*.

EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 18, 1892.

Mr. Egan acknowledges the receipt on the previous day of the telegraphic instructions of the 16th, and reports that on the morning of this day he had on the subject in question an interview with the minister for foreign affairs, whom he found well disposed and who promised to return an answer at the earliest possible moment, but could not take any action without consultation.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
SANTIAGO, January 20, 1892.

Mr. Egan reports that the minister of foreign affairs has not yet returned an answer in the matter of withdrawing Mr. Matta's telegram of December 13.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 21, 1892.

Mr. Egan reports that the minister for foreign affairs promised him, in the course of an interview he had with him on the 18th in the matter of having Mr. Matta's telegram of the 11th December withdrawn, to consult with his colleagues of the cabinet and return his reply in another interview specially appointed. He says that this promise has not yet been discharged, and that the answer is still withheld. He asks whether the telegram was withdrawn in Washington in terms entirely satisfactory to President Harrison and Mr. Blaine, as a correspondent of the *New York Herald* was to-day told by the under secretary.

Mr. Blaine to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 21, 1892.

I am directed by the President to say to you that he has given careful attention to all that has been submitted by the Government of Chile touching the affair of the assault upon the crew of the U. S. S. *Baltimore* in the city of Valparaiso on the evening of the 16th of October last, and to the evidence of the officers and crew of that vessel, and of some others who witnessed the affray; and that his conclusions upon the whole case are as follows: *

First. That the assault is not relieved of the aspect which the early information of the event gave to it, viz: That of an attack upon the uniform of the United States Navy, having its origin and motive in a feeling of hostility to this Government, and not in any act of the sailors or of any of them.

Second. That the public authorities of Valparaiso flagrantly failed in their duty to protect our men, and that some of the police and of the Chilean soldiers and sailors were themselves guilty of unprovoked assaults upon our sailors before and after arrest. He thinks the preponderance of the evidence and the inherent probabilities lead to the conclusion that Riggins was killed by the police or soldiers.

Third. That he is therefore compelled to bring the case back to the position taken by this Government in the note of Mr. Wharton of October 23 last (a copy of which you will deliver with this), and to ask for a suitable apology and for some adequate reparation for the injury done to this Government.

You will assure the Government of Chile that the President has no disposition to be exacting or to ask anything which this Government would not, under the same circumstances, freely concede. He regrets that, from the beginning, the gravity of the questions involved has not apparently been appreciated by the Government of Chile, and that an affair in which two American seamen were killed and sixteen others seriously wounded, while only one Chilean was seriously hurt, should not be distinguished from an ordinary brawl between sailors in which the provocation is wholly personal and the participation limited. No self-respecting government can consent that persons in its service, whether civil or military, shall be beaten and killed in a foreign territory in resentment of acts done by or imputed to their government, without exacting a suitable reparation. The Government of the United States has freely recognized this principle, and acted upon it, when the injury was done by its people to one holding an official relation to a friendly power, in resentment of acts done by the latter. In such case the United States has not sought for words of the smallest value or of equivocal meaning in which to convey its apology, but has condemned such acts in vigorous terms and has not refused to make other adequate reparation.

But it was not my purpose here to discuss the incidents of this affair, but only to state the conclusions which this Government has reached. We have given every opportunity to the Government of Chile to present any explanatory or mitigating facts and have had due regard to the fact that the Government of Chile was, for a considerable part of the time that has elapsed since October 16th, upon a provisional basis. I am further directed by the President to say that his attention has

been called, to the note of instructions sent by Mr. Matta, secretary of foreign affairs, to Mr. Montt, under date of the 11th ultimo. Mr. Montt very prudently, and, I must suppose, from a just sense of the offensive nature of the dispatch, refrained from communicating it officially to this Government.

But in view of the fact that Mr. Montt was directed to give it to the press of this country, and that it was given the widest possible publicity throughout the world, this Government must take notice of it. You are therefore directed to say to the Chilean Government that the expressions therein imputing untruth and insincerity to the President and to the Secretary of the Navy in their official communications to the Congress of the United States are in the highest degree offensive to this Government.

Recognizing the usual rules of diplomatic intercourse and of the respect and courtesy which should characterize international relations (which he can not assume are wholly unfamiliar to the Chilean foreign office), the President was disposed to regard the dispatch referred to as indicating a purpose to bring about a suspension of diplomatic relations; but, in view of the fact that Mr. Matta was acting provisionally and that a reorganization of the Chilean cabinet was about to take place, and afterwards in further view of the expectation that was held out of a withdrawal and of a suitable apology, notice of this grave offense has been delayed. I am now, however, directed by the President to say that if the offensive parts of the dispatch of the 11th December are not at once withdrawn, and a suitable apology offered, with the same publicity that was given to the offensive expressions, he will have no other course open to him except to terminate diplomatic relations with the Government of Chile.

Mr. Montt, in a note of January 20, has advised me that he has been directed by his Government to inform the Government of the United States that you are not *persona grata* to the Government of Chile, and to request your recall. This has been laid before the President, and he directs you to say that, in view of the foregoing, he does not deem it necessary to make any present response thereto. It will be quite time to consider this suggestion after a reply to this note is received, as we shall then know whether any correspondence can be maintained with the Government of Chile upon terms of mutual respect.

You will furnish to the minister of foreign affairs a full copy of this note.

BLAINE.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
January 22, 1892. (Received 1:40 a. m.)

The minister of foreign affairs, in an interview on the 18th instant, promised that after his colleagues had been consulted in reference to withdrawal of the telegram of the 13th of December to appoint another interview to communicate his answer. I have been awaiting it, but it has not yet been received. The Herald correspondent has been told by the under secretary that the telegram had been withdrawn in Washington in a way that was entirely satisfactory to the President of the United States. Is it true?

EGAN.

Mr. Egan to Mr. Blaine.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, January 23, 1892.

Mr. Egan acknowledges the receipt of Mr. Blaine's telegram of the 21st, which he states he will deliver to the minister for foreign affairs to-morrow. He further states that in an interview on the 12th instant the minister of foreign affairs pressed upon him the acceptance of the withdrawal of Mr. Matta's telegram on the basis stated in Mr. Egan's telegram of that date,* saying that those bases were entirely acceptable to Mr. Blaine and were in fact suggested by him. Notwithstanding these assurances, Mr. Egan would only consent to submit the proposition as he had done.

With regard to his being *persona non grata* Mr. Egan says that at a diplomatic banquet at the home of the minister of foreign affairs on the 12th instant Prime Minister Laco told him, with approbation of some of his colleagues, and in the presence of the English minister and Spanish minister, that the present cabinet entertained most cordial feelings for the United States and for himself personally.

*No telegram of this date was received from Mr. Egan bearing on this subject. Possibly he refers to his telegram of January 16.

CORRESPONDENCE WITH THE CHILEAN LEGATION AT
WASHINGTON.*Señor Lazcano to Mr. Blaine.*

[Translation.]

LEGATION OF CHILE,
Washington, January 16, 1891.

SIR: I regret to inform you of the revolt of a division of the navy of the Republic of Chile in the port of Valparaiso on the 7th of this month.

My Government has declared the revolted squadron outlawed, and instructs me to inform you that it is not answerable for the acts of the rebels in regard to foreigners or citizens.

I renew to you my sentiments of high and distinguished consideration.

PRUDENCIO LAZCANO.

*Mr. Blaine to Señor Lazcano.*DEPARTMENT OF STATE,
Washington, January 20, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in which you state that on the 6th of the same month a naval division of the Republic of Chile revolted in the harbor of Valparaiso; that your Government has outlawed the revolting squadron and directs you to inform me that it is not responsible for the acts of the rebels in respect to foreigners or citizens.

In making this acknowledgment, it is proper that this Government should reserve the right to consider upon the facts and the law any case that may arise involving the declaration which you communicate.

Accept, etc.,

JAMES G. BLAINE.

Señor Lazcano to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, March 10, 1891. (Received March 11.)

SIR: I have the honor to inform you that the Government of Chile has prohibited, until further orders, the importation into the entire territory of the Republic of arms and munitions of war of all kinds.

Relying upon the friendship of the Government of the United States for that of Chile, I shall thank you if you will be good enough to communicate, if possible, through the proper channel, this decree of my Government to the custom-houses of the Union, in order to prevent the shipment to Chile of those articles which in the present case would be considered as articles of illicit commerce.

I am specially moved to request of you the said communication by the circumstance of the arrival at New York of an agent of the Chilean insurrectionary forces for the purpose of purchasing in this country arms and munitions of war to maintain the rebellion in Chile.

I venture to hope that the friendly ties which unite the Government of this country with my own will be sufficient ground for your favorable reception of the request which I take the liberty of making in the present note.

It is gratifying to me to renew to you the sentiments, etc.,
PRUDENCIO LAZCANO.

Mr. Blaine to Señor Lazcano.

DEPARTMENT OF STATE,
Washington, March 13, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, in which you inform me that your Government has prohibited, until further orders, the importation into the Republic of arms and munitions of war of all kinds.

In conveying this information you request me, if possible, to communicate this decree to the custom-houses of the United States in order that the shipment of such articles to Chile may be prevented; and in this relation you state that an agent of the insurgents in Chile has arrived in the city of New York for the purpose of purchasing arms and munitions of war.

The laws of the United States on the subject of neutrality, which may be found under Title LXVII of the Revised Statutes, while forbidding many acts to be done in this country which may affect the relations of hostile forces in foreign countries, do not forbid the manufacture and sale of arms or munitions of war. I am therefore at a loss to find any authority for attempting to forbid the sale and shipment of arms and munitions of war in this country, since such sale and shipment are permitted by our law. In this relation it is proper to say that our statutes on this subject are understood to be in conformity with the law of nations, by which the traffic in arms and munitions of war is permitted, subject to the belligerent right of capture and condemnation.

Since your note has directed attention to the subject of neutrality it should be stated that our laws on that subject are put in force upon application to the courts, which are invested with the power to enforce them and to inflict the penalties prescribed for their violation. Our statutes not only forbid the infringement in this country of the rules of neutrality, but also impose grave penalties for their infraction.

I will inclose a copy of your note to the Secretary of the Treasury and the Attorney-General.

Accept, etc.,

JAMES G. BLAINE.

Señor Luca to Mr. Blaine.

[Telegram.—Translation.]

IQUIQUE, *March 22, 1891.* (Received March 23.)

The delegation of the National Congress of Chile requests your excellency to forbid the purchase of arms for the dictator Balmaceda, with which he intends to attack the constitutional forces of the Congress. We exercise full sovereignty over the departments of Pisagua, Tarapaca, Tocopilla, Taltal, Chanaral, and Antofagasta, and we are blockading their ports. The constitutional army occupies 480 miles of coast—65,000 square miles.

WALDO SILVA BARRAS LUCA,
President.

Señor Luca to Mr. Blaine.

[Telegram.—Translation.]

IQUIQUE, *March 24, 1891.* (Received March 25.)

The delegation of the National Congress of Chile requests you, as an act of neutrality, not to permit the shipments of silver belonging to the National Treasury of Chile on board of an American war vessel, as has been requested by the dictator Balmaceda.

WALDO SILVA BARROS LUCA,
President.

Copy of telegram handed to the Second Assistant Secretary of State by the Chilean minister at Washington.

LEGATION OF CHILE, *April 2, 1891.*

Elections took place on the 29th with perfect order and liberty, senators, representatives, and *municipales*. Complete triumph for the Liberal party. Twenty provinces, with sixty-five departments, support the Government. Thirty senators and ninety representatives elected. Tarapaca and Antofagasta should have elected two senators and four representatives. There was no election. Rebels have not had elements enough even to disturb elections, which took place without the slightest disorder in all the country.

Señor Lazcano to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,

Washington, May 5, 1891. (Received May 6.)

SIR: I feel deeply grateful for the friendly action taken by the United States Government in the case of the *Robert and Minnie*, at Wilmington, which I recently had the honor to bring to your notice. It is now my duty to inform you that I have just received the following information by telegraph:

The *Robert and Minnie* left Wilmington before the instructions of the

Government had reached the authorities of that port, having a cargo of arms on board, and being bound, as is believed, for the port of San Diego.

Meantime, the transport *Itata* has arrived in the port of San Diego. This vessel has been and still is, I think, in the service of the Chilean insurgents as a war transport vessel.

The steamer *Itata* has represented itself to be a Chilean merchant vessel from Iquique, a port occupied by the insurgents, and has entered the port of San Diego for the alleged purpose of taking in provisions so as to continue its voyage to San Francisco, but in reality its sole object is to receive a large cargo of arms and munitions of war from the *Robert and Minnie* for the use of the Chilean insurgents.

For these reasons I request that the same instructions that were sent to Wilmington may be sent without delay to San Diego, in order that a violation of the duties of neutrality of the United States may be prevented, and that this legation may be enabled to take suitable action.

It is evident that a vessel in the service of the Chilean insurgents as a war transport vessel, from Iquique, which port is held by said insurgents, can not have been converted by them, either at Iquique or elsewhere, into a merchant vessel carrying a recognized flag.

I do not entertain the slightest doubt that the Government, which unequivocally established the principles of the duties of neutrals in the treaty of Washington of 1871, will, without hesitating for a moment, exercise the power which it has to protect a neighboring and friendly nation from the outrages and injuries that would result from a violation of the laws of neutrality against which it then so forcibly and successfully protested.

I take pleasure in renewing to you the assurance, etc.

PRUDENCIO LAZCANO.

Señor Jorge Montt to Mr. Blaine.

[Telegram.—Translation.]

IQUIQUE, May 16, 1891.

We have the honor to inform your excellency that Mr. Richard L. Trumbull, a representative in the Chilean Congress, has powers from the governmental junta to represent us in the United States in the capacity of confidential agent.

Be pleased, your excellency, to accept him in that capacity.

MONTT,

President of the Governmental Junta.

ISIDORO ERRAZURIZ,

Secretary Foreign Relations.

Señor Errazuriz to Mr. Blaine.

[Telegram.]

IQUIQUE, June 5, 1891. [Received June 6.]

The *Itata* arrived here, bringing 5,000 rifles and ammunition transhipped from the *Robert and Minnie*, opposite the uninhabited isles San Clemente, at 40 miles off the coast, and after the *Itata's* depart-

ure from San Diego. Complying with my written promise said steamer, along with the arms and crew, has been placed under the charge of the Rear-Admiral McCann, and is at present getting ready to return to San Diego. Allow me, however, to state that this fact, in conformity with the stipulated agreement, hurts the spirit which guided us in this affair, it having been based on the violation of the law by the *Itata* taking it for granted that the steamer had shipped the arms and ammunition at the port of San Diego. It is now certain that the said arms and ammunition were taken on board far off from the coast and opposite uninhabited isles after its departure from San Diego, and I therefore request your excellency, invoking feelings of justice and humanity, that the arms and ammunition be left here under the charge of the Rear-Admiral McCann until the final result of the lawsuit initiated in California, returning in the meantime the *Itata* to San Diego.

ERRAZURIZ,
Secretary of Foreign Affairs.

Señor Lazcano to Mr. Wharton.

[Translation.]

LEGATION OF CHILE,
Washington, June 22, 1891. (Received June 22.)

Prudencia Lazcano, envoy extraordinary and minister plenipotentiary of the Republic of Chile, has the honor to present his compliments to the Acting Secretary of State, Mr. William F. Wharton, and to say that he will have the pleasure of calling at his Department to-morrow at 12 m. in order to deliver to him in person a memorandum relating to matters of interest to the Government of the United States and the Government of Chile.

He would be very much obliged if, in case the above-named hour should not be convenient, he would be pleased to name another.

Memorandum handed by the Chilean minister to the Acting Secretary of State.

LEGATION OF CHILE,
Washington, June 22, 1891. (Received June 23.)

MR. SECRETARY: I have asked this interview rather in the hope of preventing the raising of questions between our Governments than of making any formal representation.

I feel very deeply, as does my Government, the recent prompt and friendly action of the United States in its successful effort to enforce the most rigid execution of its neutrality laws, and rest secure in our confidence that in our domestic troubles we will receive all that justice and generous consideration which the United States has always extended to its sister republics.

You are aware, as I am, that the insurgents in Chile are naturally desirous that they should be recognized as belligerents by the nations of the world, and in your own experience you have ample evidence of the consequences of such recognition. I make no reference now to the pres-

ence of Mr. Trumbull here as the agent of the insurgents. Mr. Trumbull does not, as I understand, claim any official character as their representative, and, indeed, as a person held under criminal prosecution by the courts of the United States for alleged violation of its neutrality laws, I would deem it unbecoming in me to trouble you with any remarks either as to his presence or purposes. But I am informed, upon such authority as I think makes it my duty to call your attention to the fact, that Mr. Montt is about to arrive at New York in the alleged character of a diplomatic representative of the insurgents, seeking to obtain from the Government of the United States a recognition of their being belligerents.

It is not to be presumed that he will be recognized in such character without an opportunity being allowed to the Chilean Government to explain to the Government of the United States the serious consequences and the injustice which would be done to it (in its judgment) by such recognition.

But Mr. Montt will in all probability confine himself to the request that he be received "unofficially."

You will recollect that in 1861, at the commencement of the civil war in the United States, the foreign secretary of Great Britain in a conversation with Mr. Dallas, then United States minister in London, "the British secretary told Mr. Dallas that the three representatives of the Southern Confederacy were then in London; that Lord John Russell had not yet seen them, but that he was not unwilling to see them unofficially."

On May 21, 1861, Mr. Seward, then Secretary of State, thus instructed Mr. Adams, who had succeeded Mr. Dallas:

The President regrets that Mr. Dallas did not protest against the proposed unofficial intercourse between the British Government and the missionaries of the insurgents.

Intercourse of any kind with the so-called commissioners is liable to be construed as a recognition of the authority which appointed them. Such intercourse would be none the less hurtful to us for being called unofficial, and it might be even more injurious, because we should have no means of knowing what points might be resolved by it. Moreover, unofficial intercourse is useless and meaningless, if it is not expected to ripen into official intercourse and direct recognition. It is left doubtful here whether the proposed unofficial intercourse has yet actually begun. Your own antecedent instructions are deemed explicit enough, and it is hoped that you have not misunderstood them. You will, in any event, desist from all intercourse whatever, unofficial as well as official, with the British Government, so long as it shall continue intercourse of either kind with the domestic enemies of this country. When intercourse shall have been arrested for this cause, you will communicate with this Department and receive further instructions.

And on May 30, 1861, Mr. Seward thus addressed Mr. Dayton, United States minister at Paris:

First, I desire that Mons. Thouvenel may be informed that this Government can not but regard any communications held by the French Government, even though unofficial, with the agents of the insurrectionary government in this country as exceptionable and injurious to the dignity and honor of the United States. They protest against this intercourse, however, not so much on that ground as on another. They desire to maintain the most cordial relations with the Government of France, and would therefore, if possible, refrain from complaint. But it is manifest that even an unofficial reception of the emissaries of disunion has a certain though measured tendency to give them a prestige which would encourage their efforts to prosecute a civil war destructive to the prosperity of this country and aimed at the overthrow of the Government itself. It is earnestly hoped that this protest may be sufficient to relieve this Government from the necessity of any action on the unpleasant subject to which it relates. (Foreign correspondence of date.)

In 1865, an effort having been made through Mr. Corwin, at one time minister to Mexico, to secure for an agent of the Emperor Maximilian

a hearing before the State Department, Mr. Seward caused to be published the following memorandum :

DEPARTMENT OF STATE,
Washington, March 13, 1865.

Mr. Seward read to Mr. Corwin as follows: It is a fixed habit of this Government to hold no official intercourse with agents of parties in any country which stands in an attitude of revolution antagonistic to the sovereign authority in the same country with which the United States are on terms of friendly diplomatic intercourse.

It is equally a fixed habit of this Government to hold no unofficial or private intercourse with persons with whom it can not hold official intercourse.

For these reasons the overture submitted by Mr. Corwin to the Secretary of State is declined. (Ex. Doc. No. 73, Thirty-ninth Congress, first session, p. 574.)

On the 17th of July, 1865, the Marquis de Montholon, the French minister, having delivered to Mr. Seward a copy of a letter from the Emperor Maximilian to the President, Mr. Seward said:

On the 18th the Secretary of State delivered back the copy of the letter to the Marquis de Montholon, and said that the United States are in friendly communication now, as heretofore, with the republican government in Mexico, and therefore can not depart from the course of proceeding it has heretofore pursued towards that country, and that, of course, the President declined to receive the letter or to hold any intercourse with the agent who brought it.

Informed by these precedents, I can confidently hope that no such questions will be allowed to disturb the long and cordial relations that have existed between our two Governments.

I think that I can say with truth that the effort of the Chilean Government, and not an unsuccessful effort, has been to impress upon its people that there is neither stability nor progress nor prosperity for any people who do not realize that the proper cure for all political domestic difficulties is in the regular and constitutional remedies with which the laws and established constitution always supply a free people. And surely the experience of the United States must have furnished ample proof that the great obstacle in the way of the growth of the South American Republics has been the fatal habit of forcible and irregular pronunciamientos against the regular method of peaceful political life. These unfortunate insurgents have only opened another chapter in this sad history. They have caused great distress and much bloodshed, but they have failed to lay any foundation for a regular government and have deluded but a small portion of the industrious Chilean population. But these are not questions which I have asked this interview to discuss. They are domestic questions which no great power has more earnestly taught the world than the United States that they must be settled by the effort, the patriotism, and the wisdom of each nation for itself.

In a very little while—in less than one month—there will be the regular constitutional change of administration, when the people of Chile, in the full freedom of their rights, will decide who shall govern them, and when the fairest opportunity will be given them to reconcile the difficulties which divide them.

It would be sad indeed if mistaken encouragement should be, at such a moment, given to those who, whatever be their motives or complaints, rest their faint hopes of success upon the destruction of regular constitutional government and the recognition of their highest interests to the fatal chances of civil war.

PRUDENCIO LAZCANO.

[Received by cable.]

LEGATION OF CHILE,
Santiago, June 20, 1891.

A RESOLUTION BY THE NATIONAL CONGRESS OF CHILE.

The National Congress of Chile has unanimously approved by acclamation the following resolution:

Whereas, the agents of the revolution are busy at work in several countries trying to upset the credit of the Republic abroad, alleging as their authority the power of a pretended delegation of the late Congress; that said delegation has never existed, nor does exist, inasmuch as the late Congress has never met, for the purpose of delegating their powers, neither in public nor private session; that said act serving as the basis of the pretended delegation has not been signed by the majority of the late Congress, nor has it interfered in a direct and responsible form, as it is explicitly stated by the same revolutionists, and as it is shown by the fact of having never published the signatures of those who created the representation; that in the event of the existence of the above-mentioned act it is unconstitutional, revolutionary, and openly contrary to our political doctrine, inasmuch as the powers, rights, and prerogatives of a Congress are not liable to be delegated by their own nature; that even in the event of such a delegation being constitutional the late Congress could not delegate powers of which it was not invested, such as the right of insurrection, as a recourse which has never existed or could ever exist, nor held by any of the powers of the state; that in the hypothesis of the existence of such a right in Congress it could not be delegated for any length of time beyond that of their own mandate, such as has been bestowed upon it by the people; that the supposed power of the late Congress virtually ended by the popular will with the election of the 29th of last March, and ended according to the express letter of the constitution on the 31st of last May, the date on which, according to the Articles 20 and 52, the period of said Congress terminated; that for these obvious and incontrovertible reasons the revolutionary board has not even the appearance of legality, having no possible representation, and usurping a delegation that has not existed, and that, at the best, has ended on the 31st of May last; that Chile has appointed a new Congress which is working regularly in fulfilment of the will of the people, from the 20th of April, and according to the literal mandate of the constitution, from the 1st instant (June), in which the President of the Republic is elected by the people, according to the constitution, for the period of five years; that in the exercise of his functions he cannot be deposed by Congress; that he is irresponsible, pending the exercise of his power, and is only liable to be impeached during the year immediately following his withdrawal from power; that according to these constitutional requirements the Congress has never had nor has any power to depose the President of the Republic, and therefore he continues in the exercise of his functions, according to the enactments of the constitution and the will of the people until the 18th of September next; that the chief of the state in resisting the revolution is protecting and defending a power granted to him by the national sovereignty, within the use of the necessary powers to keep public order, the maintenance and custody of which are expressly committed to him by the fundamental charter, and that the President of the Republic has never pretended

nor does he pretend now to extend the period of his government any longer than what is fixed by the constitution, as it is publicly well known and has been solemnly stated at different times, through his several public acts.

The National Congress *resolves*:

First. To approve as valid and legal each and every one of the contracts entered into by the Government of Chile, presided over by his excellency President José Manuel Balmaceda, before and after the 7th of January of the present year (1891).

Second. To disprove and annul as void and illegal each and every one of the acts performed and of the obligations and contracts entered into by the revolutionary board, holding them collectively and individually liable for the same, before the proper authorities and through the proper means afforded by the international usages and our own laws for their participation, (and ?) concurrence in carrying them out.

Third. That it is subversive and contrary to the political constitution and therefore null and void, each and every one of their acts compromising Chile and making it——for the supposed delegation arrogating to themselves any powers, or to the insurgent fleet and the board of revolutionists in arms against the constitutional Government of the Republic.

Fourth. That we consider as violators of the constitution and laws of the country all the members composing the revolutionary board, and all those assuming the character of their representatives, as ministers of state or diplomatic ministers, against the constitutional Government, squandering the public wealth in the rebellion which they are waging against the credit, peace, and welfare of the Republic.

PRUDENCIO LAZCANO.

(Translated from the Spanish original.)

Mr. Wharton to Señor Lazcano.

DEPARTMENT OF STATE,
Washington, June 29, 1891.

SIR: I have the honor to acknowledge the receipt of your memorandum of the 22d instant, protesting against the reception by this Government officially or unofficially of Mr. Montt, who you understand expects to present himself at this capital as agent of the Chilean insurgents.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Señor Lazcano to Mr. Wharton.

[Translation.]

LEGATION OF CHILE,
Washington, D. C., July 4, 1891. (Received July 7.)

Mr. SECRETARY: The "Chilean South American Steamship Company" has addressed me, as the envoy extraordinary and minister plenipotentiary of the Republic of Chile in the United States, requesting

me to inform this Government that the steamer *Itata* belongs to that company, from which it was taken without its consent and by force by the Chilean revolutionists, which circumstance has in no wise affected the legitimate rights of the said company to the steamer *Itata*.

It further informs me that these declarations have been transmitted to the Department of State by telegraph, by the United States minister at Santiago, and by the United States consul-general at Valparaiso.

I shall be greatly obliged to your excellency if you will have the kindness to communicate the declarations in question of the "Chilean South American Steamship Company" to the court which is to try the case of the *Itata*.

With sentiments of high consideration, I have the honor, etc.,
PRUDENCIO LAZCANO.

Mr. Wharton to Señor Lazcano.

DEPARTMENT OF STATE,
Washington, July 9, 1891.

SIR: In reply to your note of the 4th instant, I have the honor to say that a copy of the telegram of May 8 last from our consul at Valparaiso, containing the declarations of the South American Steamship Company concerning the ownership of the *Itata*, also a copy of your note, have been sent to the Attorney-General for his information.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Señor Lazcano to Mr. Wharton.

[Translation.]

LEGATION OF CHILE,
Washington, D. C., July 18, 1891. (Received July 20.)

MR. SECRETARY: I have the honor to request that, if convenient, you would be kind enough to furnish me with a certified copy of the note from this legation of July 4th, and of the telegram from the consul of the United States at Valparaiso, relative to the declaration of said company in respect to the steamship *Itata*, deeming these documents indispensable in the proceedings to be instituted by the corresponding tribunal for the "Chilean South American Steamship Company" in the case of the *Itata*.

With sentiments of the highest consideration, I remain,
PRUDENCIO LAZCANO.

Mr. Wharton to Señor Lazcano.

DEPARTMENT OF STATE,
Washington, July 21, 1891.

SIR: In compliance with the request contained in your note of the 18th instant, I have the honor to inclose certified copies of your note

of the 4th instant and of the telegram of May 8 last, from our consul at Valparaiso, both relating to the ownership of the *Itata*.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Señor Pedro Montt to Mr. Blaine.

LEGATION OF THE
CONSTITUTIONAL GOVERNMENT OF CHILE,
1325 G STREET NW.,
Washington, August 28, 1891.

SIR: I am directed by the minister of foreign affairs to lay before the Government of the United States the following cablegram:

[Translation.]

Balmaceda has been routed for the second time. To-day, after the victory of the Congressional forces outside of the city, Valparaiso was surrendered to the German admiral, who placed it under the orders of Congress. Inform Government.

ERRAZURIZ.

IQUIQUE, August 28, 1891.

I am, sir, very respectfully, your obedient servant,

PEDRO MONTT.

Per JULIO M. FOSTER.

Señor Lazcano to Mr. Wharton.

[Translation.]

LEGATION OF CHILE,
Washington, September 4, 1891. (Received September 4.)

SIR: I have the honor to communicate to the Department of State that, expecting to leave Washington and perhaps the United States at any moment, Señor Jorge Asta-Buruaga will have charge of the legation during my absence, until the present *de facto* government of Chile shall be organized and obtain from the United States Government the recognition of a diplomatic agent.

Before leaving, allow me to beg your excellency to express to the President of the United States my gratitude for the favorable reception which I have met with during my residence in the country, both officially and socially.

I renew with pleasure, Mr. Secretary, etc.,

PRUDENCIO LAZCANO.

Mr. Wharton to Señor Lazcano.

DEPARTMENT OF STATE,
Washington, September 7, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, in which you inform me that you may leave Washington at any moment, and that Señor Don Jorge Asta-Buruaga will remain in charge of your legation as chargé d'affaires *ad interim*.

In reply, I desire to state that this Department will take pleasure in corresponding with Mr. Asta-Buruaga upon such questions affecting the United States and Chile as may arise while he is in temporary charge of the Chilean legation at this capital.

I shall be glad to transmit to the President, in compliance with your desire, the expression of your high appreciation of the favorable treatment which you have received at his hands.

Accept sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Señor Pedro Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, November 24, 1891. (Received November 25.)

I have the honor to transmit herewith a copy of an autograph letter, by which Señor don Jorge Montt, president of the Government Junta of my country, communicates to his excellency the President the submission of the entire territory of the Republic to the legal authority.

PEDRO MONTT.

President Montt to President Harrison.

[Translation.]

Jorge Montt, President of the Council of the Provisional Government of the Republic of Chile, to his excellency the President of the United States of America:

GREAT AND GOOD FRIEND: It gives me great satisfaction to inform your excellency that, legal authority being reestablished throughout the territory of the Republic, the Council of the Government over which I have the honor to preside has fixed its seat at the capital of the Republic. In communicating to your excellency the change provisionally made in the rule of the Chilean nation, it devolves on me to state to you that the Council of the Government desires in every way to secure and to strengthen the exalted relations of friendship of the people and Government of Chile with the people and Government of the United States of America.

Given at my office, the 31st day of August, in the year of our Lord 1891.

JORGE MONTT.
ISIDORO ERRAZURIZ.

Mr. Blaine to Señor Pedro Montt.

DEPARTMENT OF STATE,
Washington, November 27, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant, in which you inclose, with office copy, a letter dated August 31 last, addressed to the President of the United States by the

President of the Council of the Provisional Government of Chile, announcing that all the territory of that Republic had submitted to the legal authority.

In reply, I have the honor to say that I have delivered to the President the autograph letter addressed to him by the President of the Council of the Provisional Government, and that his reply will be transmitted through our minister at Santiago.

Accept, sir, etc.,

JAMES G. BLAINE.

Left with Secretary December 3, 1891, by Señor Montt.

SANTIAGO, December 1, 1891.

PEDRO MONTT,
1329 M street, Washington, D. C.:

Preliminary examination not yet finished on account of proceedings necessary to secure the statements of experts. Egan's testimony was asked for twenty days ago.

MATTA.

Señor Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, December 11, 1891.

SIR: I have brought to the knowledge of my Government the report contained in official documents, recently published in Washington, in relation to the lamentable event which took place in Valparaiso on the 16th of October last, between sailors of the *Baltimore* and Chilean seamen and stevedores.

My Government, being desirous to remove any cause which might disturb the good relations of the United States and Chile, has directed me to state to you that the report in question is open to the charge of inaccuracy in some essential particulars, and that the Government of Chile will make a complete statement of the facts so soon as the judicial investigation upon which it must be based shall have been concluded, as I had the honor to say to you in the interview which you were pleased to grant me on the 9th instant.

Immediately upon the occurrence of the lamentable events of Valparaiso, which my Government has deeply deplored, there was set on foot the judicial investigation provided by the laws for the prosecution and punishment of those who might be found culpable. Official notification of the progress of this investigation was received by the commander of the *Baltimore* on the 22d of October, by a note addressed to him by the intendente of Valparaiso; and on the 27th of October the minister of foreign relations of Chile, in a note to the minister plenipotentiary of the United States at Santiago, announced to him that so soon as the investigation should reach a final term the result thereof would be brought to his knowledge.

The judicial proceedings have not yet been completed. It has been

necessary to take the testimony of numerous persons, among whom are the self-same sailors of the *Baltimore*, and to adopt various measures to procure expert evidence, since the affair is not a simple matter of police, but involves a grave criminal case, in which men have been killed and wounded. The appearance of the sailors of the *Baltimore*, for example, was delayed for some time, and up to the present time the evidence which was asked of the minister plenipotentiary of the United States at Santiago on the 9th of November has not been furnished.

My Government cherishes the assurance that the Government of the United States can not behold in the observance of the formalities fixed by the laws in respect to judicial matters, and in the solicitude with which the Chilean authorities are investigating occurrences in which some deaths are involved and which may entail capital punishment, anything save the fulfillment of the duty which is incumbent upon them to administer enlightened and upright justice.

Events like those which took place in Valparaiso on the 16th of October are not rare in ports visited by sailors of diverse nationalities, and there are no grounds whatever for attributing to the affair of Valparaiso any motive offensive to the United States.

If the result of the judicial investigation shall show the culpability of Chilean citizens, the Government of the United States may rest assured that they will be punished conformably to the laws. And, if the investigation should show responsibility on the part of the sailors of the *Baltimore*, my Government entertains the conviction that the Government of the United States would not wish them to go unpunished. The repression of crimes is a social interest of high importance, whatever the nationality of the guilty parties or of the victims.

With sentiments of the most distinguished consideration, I subscribe myself,

Your very faithful servant,

PEDRO-MONTT.

On the 14th of December Señor Montt left with Mr. Blaine a copy of inclosure J to his note of December 19.

The following translations of the following notes from Señor Matta were delivered to Mr. Blaine by Señor Montt on the 16th of December, together with Inclosures B, D, E, and F to his note of December 19, 1891:

[Translation.]

No. 557.]

SANTIAGO, October 19, 1891.

Having been informed of the conflict which took place in your city between the mariners of the United States cruiser *Baltimore* and some of the national seamen, I beg that as soon as the proper testimony has been taken you will inform this department, so that it may be prepared for any diplomatic representations.

Respectfully,

M. A. MATTA.

Witnessed:

A. BASCUÑAN M.

The INTENDENTE OF VALPARAISO.

[Translation.]

No. 614.]

SANTIAGO, October 29, 1891.

I received yesterday, in this ministry, the telegram and the report relative to the deplorable affair of the 16th, for both of which I am much obliged; new information and data are expected to-day, when the matter will be in condition to be telegraphed to Washington and to Paris.

Respectfully,

M. A. MATTA.

Witnessed:

A. BASCUÑAN M.

The INTENDENTE OF VALPARAISO.

Señor Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, December 19, 1891.

SIR: I have received from my Government various documents relative to the unfortunate occurrences which took place in Valparaiso on the 16th of October last between sailors belonging to the *Baltimore* and Chilean sailors, and, as you have expressed a desire to read them, I take pleasure in furnishing them to you. The documents which I have the honor to send you are the following:

A.—Reply of the minister of foreign relations of Chile, dated October 26, to the note addressed to him on the day previous by the minister plenipotentiary of the United States at Santiago, relative to the occurrences which took place at Valparaiso on the 16th of that month.

Señor Matta, among other things, says in his reply to Mr. Egan that, immediately after the unfortunate affair of October 16, the judicial authorities instituted legal proceedings against the parties who were responsible for the offenses committed on that day, which was known to the commander of the *Baltimore*. He promises to inform Mr. Egan of the result of the investigation when it shall have been concluded, and states that, out of regard for the harmony which it is his duty and his desire to maintain between the United States and Chile, he passes in silence over the improper expressions used by Mr. Egan in certain portions of his note.

B.—Note of October 22, from the criminal judge of Valparaiso to the intendente of the province, who transmitted it to the commander of the *Baltimore*, and to which reference is made in the aforesaid note of Señor Matta. In this note of October 22 the criminal judge requests the intendente of Valparaiso to inform the commander of the *Baltimore* that the preliminary examination concerning the affair of October 16 has been nearly concluded.

C.—Note of October 30, addressed by Señor Matta to Mr. Egan. In his note of October 26 Mr. Egan made grave charges against the police of Valparaiso and called their action cowardly and brutal. Señor Matta, after making inquiry of the intendente of Valparaiso, informs Mr. Egan, under date of October 30, that the disorder began at about 6 o'clock p. m., in a quarter of the city inhabited by low people, where liquor shops and sailors' boarding houses are numerous. The intendente was notified at about a quarter past 6, and he immediately gave orders, by

telephone, for a sufficient force to proceed without delay to the spot in order to put down the riot. This was done, and when the police arrived, which was at about half-past 6 o'clock, the mob had increased to about 1,000 people, extended from Echáurren Square to the passenger wharf, and formed a genuine battlefield, in which all, including the American sailors, were fighting with stones, sticks, and swords.

The police and soldiers did nothing more than quiet the tumult, arrest those who were most drunken and most riotous, and disperse the crowd. An hour after the disturbance had commenced, everything was quiet and the parties arrested had been turned over to the criminal court.

When the police began to arrive at Echáurren square, a shot from a gun or pistol was heard behind the captain who commanded them. The captain turned and saw a sailor from the *Baltimore* fall, having received a wound in the neck. The shot had doubtless been fired from a large group of persons standing near. The officer dismounted from his horse, took care of the wounded man, had him carried into the nearest drug store, kept by Mr. Guzmán, so that his first wants might be attended to, and afterwards sent to the hospital. Unfortunately he died on the way.

The local authorities could not have done more than they did on the occasion of this unfortunate affair.

Thirty-one American sailors and several Chileans were taken before the judge. More than 100 sailors from the *Baltimore* had come ashore on that day, and the remainder, who were more than eighty in number, took no part in the riot.

The local authorities and the police, so far from committing any outrages, did all in their power in behalf of the wounded men and to restore order. The riot had begun, as it appeared, in a quarrel between drunken sailors.

In his note of October 30 Señor Matta reiterates to Mr. Egan his offer to communicate to him the result of the judicial inquiries, and assures him that, if the guilty parties are discovered, full justice shall be done.

D, E, F, G, H.—Notes from the minister of foreign relations of October 26, from the intendente of Valparaíso of October 27 and 28, and from the chief of police of October 17 and 27, on which the note from Señor Matta to Mr. Egan of October 30, marked C, is based.

I.—Note of November 6 from the criminal judge to the intendente of Valparaíso, transmitted by the latter to the commander of the *Baltimore*.

In the course of the trial the criminal judge deemed it necessary to hear the testimony of several sailors belonging to the *Baltimore*, and a direction of the court to that effect was transmitted by the intendente to the commander of the cruiser. Before he would allow the sailors to appear, Mr. Schley demanded that they should be accompanied by an officer who was to serve as their adviser; that their statements should at once be made public, and that the commander should be permitted to read them.

The judge was unable to comply with these requirements because they were at variance with the Chilean laws governing judicial procedure. The witnesses must declare what they know, without their statements being influenced by the suggestions of an adviser. Criminal proceedings are conducted in secret until the preliminary examination is terminated and an indictment is prepared, just as proceedings before the grand jury, serving as a basis to the indictment, are secret according to the laws of the United States. Proceedings in criminal trials

are made public when the preliminary examination is concluded, according to the laws of Chile, just as they are according to the laws of the United States when the functions of the grand jury are terminated. The commander would have been at liberty to read the statements of the sailors when the preliminary examination was ended, but not before.

The criminal judge told the commander that he might send the sailors with some officer in whom he had confidence, who was familiar with the Spanish language, and that such officer might act as interpreter. There are interpreters at the court who lend their services whenever the witness does not understand Spanish and who explain to the witness the questions addressed to him by the judge. The written statement signed by the witness is previously translated and explained to him by the interpreter, so that the witness does not sign it until he knows what it means and is sure that it is a faithful reproduction of what he has said.

The willingness of the judge to allow the sailors or the commander of the *Baltimore* to designate an interpreter who should be present when they made their statements shows what guaranties are furnished by the laws of Chile in criminal cases.

J.—Note of November 3 from the criminal judge at Valparaiso to the minister of justice. The criminal judge, in obedience to the law which provides that judges shall endeavor by every means in their power to elicit the truth, and as an act of impartiality and international courtesy, asked for such information relative to the occurrences of the 16th of October as might have been obtained by the American consul and the commander of the *Baltimore*. These two officers had declined to furnish any information because the case had been laid before Mr. Egan by order of their Government. The commander of the *Baltimore*, in his reply, had added that Mr. Egan could, if requested to do so, furnish a list of names of persons who could, in their turn, give the names of others who had witnessed the death of the seaman, Riggins, and the wounding of several others belonging to the crew of the *Baltimore*.

The criminal judge, in the note of the 3d of November, applies to the ministry in order that it should request of Mr. Egan such information as he might have in respect to the disorders of the 16th of October, and in particular the names of witnesses to whom the commander of the *Baltimore* refers.

In his note of the 3d of November to the ministry, the criminal judge adds that neither the American consul nor the commander of the *Baltimore*, nor any person whosoever, has imputed before his court, to the authorities, or the police participation in or responsibility for the occurrences of the 16th of October, neither has any specific or general charge been preferred against them because of their not having endeavored to prevent those occurrences or their deplorable and ultimate consequences. On the contrary, the greater part of the sailors testify that the police rendered them timely aid and endeavored to protect them by removing them from the action of the populace and conveying them to their own barracks.

The commander of the *Baltimore* himself, in an official visit paid in company with the American consul to the criminal judge in his office, made to him satisfactory declarations concerning the conduct of the police during the disorders of the 16th of October, and added that the conduct of certain officers toward the sailors had been delicate and considerate.

The judge also says that, as the result of active measures and with

the coöperation of the police, they have succeeded in arresting several of the persons who were said to have taken direct part in the events of the 16th of October, of whom two have confessed.

K.—Note of Señor Matta to Mr. Egan, of November 9: In view of the foregoing communication of the criminal judge of Valparaiso, Señor Matta begs of Mr. Egan that to the end of clearing up the facts and ascertaining who are the guilty parties, and in order that the truth may be discovered and known concerning the occurrences of the 16th October, he will be pleased to submit the information furnished to him by the American consul and by the commander of the *Baltimore*, and that he inform him also of the substance of the reply of the commander of the *Baltimore*—that is, that Mr. Egan should furnish, if so requested, a list of the names of persons who, in turn, could give the names of others who witnessed the death of the sailor Riffin and the wounding of several other members of the crew of that cruiser.

Señor Matta further says to Mr. Egan that the delay in conducting the proceeding *en sumario* has already lasted several days by reason of the sailors of the *Baltimore* having been excused from appearing before the court, and that this delay would continue so long as the testimony asked for should be deferred; so that not only to hasten, but also to complete the *sumario*, it was necessary for the important testimony of Mr. Egan to reach the ministry in order that it might be immediately transmitted to the court.

According to telegraphic advices received by me up to the 14th of the current month of December, Mr. Egan had not, to that date, furnished the report which had been requested of him by the note of the 10th of November, and there was lacking to the *sumario* the evidence of the eye-witnesses to be pointed out by the persons known to Mr. Egan and whose names had not been communicated up to that date.

On two occasions, in the conferences which you were pleased to grant me on the 3d and the 9th of this month, I had the honor to state to you that Mr. Egan had not furnished the report which had been requested of him. The authenticated copy which I now send to you gives testimony of the importance of the facts to which that information relates.

From the documents which I have the honor to transmit to you it clearly appears, without prejudice to the result of the criminal proceeding, which I hope will be speedily terminated, that the police of Valparaiso discharged their duty in the lamentable occurrences of the 16th of October without having wounded or maltreated anyone, and that they gave assistance to the unfortunate sailor who was the victim of a bullet fired from the midst of one of the groups of men there assembled.

It appears, moreover, that the judicial authority has been active and zealous in the discharge of its functions in order to proceed against the guilty parties, and that the judicial proceedings have been prolonged by reason of the considerable number of persons whose testimony must necessarily be heard, and for causes which it did not lie with the Chilean authorities to avoid.

From the accompanying documents there appear, moreover, no grounds whatever to warrant the assertion that the sailors of the *Baltimore* were attacked in various places in the city at the same time. On the contrary, it is seen that the riot took place in one part of the city only; in that part which is well known by reason of frequent disturbances of this character, and that within an hour from the beginning of the tumult and within half an hour after the arrival of the police and of the other forces which were sent to quell it, tranquillity was restored,

those who appeared most compromised in the disturbance having been taken before the judge.

The judicial proceedings which were instituted without delay will throw full light upon the affair, and the undersigned doubts not that the spirit of justice which animates the Government of the United States and that of Chile will be duly satisfied by the judgment with which the investigation is to terminate.

With sentiments of the highest consideration, I subscribe myself

Your most obedient servant,

PEDRO MONTT.

A.

From the Minister of Foreign Relations.

[Translation.]

SANTIAGO, October 27, 1891.

SIR: The undersigned received yesterday evening at 3:30 the note in which you, under date of the 26th instant, carrying out the instructions of your Government, give an account of the deplorable events which took place on the 16th, and after setting forth the conclusions arrived at by a committee of officers and the commander of the cruiser *Baltimore*, you make comments, formulate demands, and utter threats, which, without being indignantly repelled, are not accepted and can not be accepted by this department in the present case, nor in any other of the same nature.

The undersigned does not doubt and makes no protest against the sincerity, rectitude, and ability of the investigations made respecting the lamentable occurrence between some North American sailors and some Chilean sailors on leave and stevedores, but in the discharge of his duty, and in pursuance of international prescriptions and usages which have never been questioned by civilized nations, he defers and will defer to the jurisdiction of the authorities of his own country, which are the only ones which have full right and sufficient power to try and to punish the guilty parties, whoever they may be, and wherever they may be found in Chilean territory.

The affair took place in Valparaíso, and ever since the day on which it occurred the administrative and judicial authorities concerned have been engaged in investigating who were to blame and who deserve punishment, in the very deplorable and as yet undecided and untried occurrence of the 16th instant.

The undersigned, believing it to be his necessary and bounden duty, no less than his desire, in the post which he occupies, to cultivate good relations, not only with friendly countries, but with those who are their honored and accredited representatives, overlooks the form which the minister plenipotentiary gives to his complaints and protests, in some parts of his note, and proceeds to answer the only two points in it which require a reply, in order that matters may remain in their proper province and light.

On the occurrence of the difficulty between North American sailors and Chilean citizens, which occasioned the deaths and wounds recounted in your excellency's note, the proper authorities began the necessary investigations to decide who were the responsible parties, and how they ought to be punished; and the commander of the *Baltimore* must have received notice and have had some proof of that investigation as early as the 22d or 23d instant, according to a copy now in the archives of this department, addressed by the criminal judge to the intendente of Valparaíso, and forwarded by the latter in obedience to instructions received on the 19th.

The judicial investigation of the facts which, in our judicial practice, is styled "summary," and is kept secret until it reaches a certain point at which it is made public, has not yet arrived (at that stage); and hence this department does not possess, and can not transmit, the information regarding the blame and the guilty parties resulting from the investigation.

So soon as this (investigation) shall have arrived at its termination, whatever may be its conclusions respecting the blame and the guilty parties, the undersigned, who recognizes no other legitimate authority for trying criminal occurrences which have taken place on Chilean territory than that established by the people of Chile, will have the honor and the duty of notifying the envoy extraordinary and minister plenipotentiary of the United States, whose Government and whose nation have never ignored, and never can ignore, in other (countries) with which they are in relations of friendship, the powers and rights of sovereignty which are nowhere more

evident and more applicable than in the exercise of the jurisdiction appertaining to every independent country.

While awaiting the moment of knowing and making known the results of the summary concerning the events and the guilty parties of the 16th instant, without admitting that the disorders which occurred in the streets of Valparaiso, and the silence observed in this department "appear to be the expression of a bad feeling toward the Government of the United States, which may endanger the preservation of the friendly relations between the two countries," the undersigned has the honor to reiterate his distinguished consideration to the envoy extraordinary and minister plenipotentiary, signing himself his humble servant,

M. A. MATTA.

In agreement with the documents in the archives of this legation.

WASHINGTON, December 19, 1891.

[L. S.]

ANIBAL CRUZ.

The ENVOY EXTRAORDINARY AND MINISTER
PLENIPOTENTIARY OF THE UNITED STATES.

B.

From the intendente of Valparaiso.

[Translation.]

No. 3028.]

REPUBLIC OF CHILE, INTENDENCY OF VALPARAISO,
Valparaiso, October 22, 1891.

The criminal judge, in note No. 356, dated yesterday, tells me as follows:

"This court having temporarily suspended (proceedings) in the case of all the sailors of the North American cruiser *Baltimore*, who were being tried for the lamentable disorders which occurred on the evening of the 16th instant, in the ward of Arayan, in this city, the undersigned has ordered that the money and effects which the police found in the possession of the sailors arrested be placed at the disposal of the commander of that vessel in order that, through him, they may be returned to their respective owners. The undersigned therefore requests the intendente to forward to the commander of the *Baltimore* the said articles, which are sent for that purpose with this note; and calls attention to the fact that the commander ought to give the necessary receipt for the same to be filed with the proceedings of the summary. I also inclose a certified copy of the declaration placed in the report of the police with regard to the said articles, and to the sailors in whose possession they were found. It will aid the commander in making the distribution suggested by this court. *I avail myself of this opportunity to inform your excellency, in order that you in turn may inform the North American admiral, or the military chief who represents him in this bay, that the summary instituted respecting the events before mentioned is on the point of arriving at its complete termination.*" This I have the honor to communicate to your excellency, in compliance with the request contained in your note No. 559, of the 19th instant.

"May God preserve you."

J. DE D. ARLEGUI.

A true copy.

A. BASCUÑAN M.

The MINISTER OF FOREIGN RELATIONS.

In agreement with the documents in the archives of this legation.

[L. S.]

ANIBAL CRUZ.

WASHINGTON, December 19, 1891.

C.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 30, 1891.

SIR: As certain charges were made against the soldiers and officers of the police of Valparaiso in your communication of the 26th instant, and pending the publication of all that has been done in the examination of the occurrences of the 16th instant, which this department must lay before you, the undersigned deems it necessary and proper to transmit to you the report which has been made by the intendente of

Valparaiso (based upon the facts which he has been able to elicit) in the discharge of his duty, and with a view to discovering those who were guilty of the acts which took place on the 16th instant.

The report of Don Juan de Dios Arlegui, which is based upon information received from the officers concerned, says as follows:

"You will thereby understand how very incorrect were the charges made by the United States minister against the police of this city. It would have been physically impossible for the police to commit all the acts of brutality and cruelty with which they are charged. The riot began at about 6 p. m. in Clave, San Martin, San Francisco streets, and others which are inhabited by low characters and in which liquor shops and sailors' boarding houses are numerous. It is very easy to collect a mob there in a few minutes.

"I was informed of the riot at about a quarter past 6 p. m., and at once gave orders by telephone to police headquarters and to the Santo Domingo station, and verbally to the guard of the intendencia, directing that the largest force possible should be sent immediately to put down the riot. This was done, but when the force, consisting mostly of police, arrived, which was at about half past 6, the mob numbered about 1,000 persons, and extended from Echaurren Square to the passenger wharf, occupying Cochrane and Blanco streets, and Errázuriz avenue, and forming a regular battlefield in which all, and particularly the American sailors, fought with stones, sticks, and swords (knives?). The police and the soldiers who had come up did nothing more than arrest those who were most violent, owing to their intoxicated condition, and disperse the crowd. An hour afterwards, at half past 7 p. m., everything was quiet and the persons who had been arrested had been turned over to the criminal judge, who was also on the spot.

"When the police force arrived a shot from a gun or pistol was heard behind the captain who was in command. The captain turned at once and saw a seaman from the *Baltimore* fall, having received a wound in the neck. The shot had evidently been fired from a considerable crowd of people standing near. It was impossible to find out who had fired the shot or to find any person who was armed, which will be readily understood if it is considered that the shooting took place just when the police was arriving at Echaurren Square.

"The officer dismounted, attended to the wounded man, and had him carried to a drug store kept by a Señor Guzmán, so that his first wants might be supplied, and then sent him to a hospital. Unfortunately he died on the way.

"I do not think, Señor Minister, that the local authorities could have done more than they did on the occasion of this unfortunate occurrence, in view of the place where it originated, the insufficiency of the police force for this extensive and irregularly built city, and the imprudence of allowing 160 men belonging to the crew of the *Baltimore* to go ashore at one time, as the police reports state was done.

"It has been impossible to ascertain the precise cause of the riot. I do not know whether it will be shown by the examination which is now in progress; there is, however, every reason to suppose that it was the outcome of a quarrel between drunken sailors. A similar quarrel had taken place a few days before between German and Chilean sailors."

According to the rules which govern criminal proceedings in Chile, such proceedings are conducted in secret while the facts are being investigated. Hence neither the intendente of Valparaiso nor the undersigned can know anything beyond what appears from the declaration and statements of certain determinate persons. Thus they can affirm or deny nothing as regards the result which may be reached by the judge who is conducting the investigation, which is likely to last longer and to be more complicated, according to the increased number of those against whom charges are preferred. Reiterating my promise to communicate to the United States legation the result of the trial, and feeling certain that, when the guilty parties are discovered, full justice will be done, I have the honor to reiterate to you, Mr. Minister, the assurance of my high consideration.

M. A. MATTA.

A correct copy.

A. BASCÚÑAN,
Intendente.

MR. PATRICK EGAN,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

The foregoing agrees with the documents on file at this legation.
[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

D.

MINISTRY OF FOREIGN RELATIONS,
Santiago, October 26, 1891.

I herewith send you an extract from a communication which has this day been addressed to this department by the United States minister, relative to the disturbance with seamen belonging to the cruiser *Baltimore*.

Be pleased to send to this department, as speedily as possible, a report of the examination held concerning this matter, the documents showing the origin and state of the investigation, if the examination is not concluded, and such other antecedents as may show the course which has been pursued by the local authorities.

Accept, etc.,

M. A. MATTA.

Correct.

A. BASCUÑAN,
Intendente.

The INTENDENTE OF VALPARAISO.

I certify that the foregoing agrees with the documents on file at this legation.

[L. S.]

ANÍBAL CRUZ.

WASHINGTON, December 19, 1891.

E.

INTENDENCIA OF VALPARAISO,
Valparaiso, October 22, 1891.

In reply to your communication of yesterday, I have the honor to transcribe to you the following note from the judge of the criminal court of this port which has to-day been received at this intendencia:

"The undersigned will deem it his duty to furnish to you all the antecedents relative to the disturbance between Chileans and North American sailors (which took place on the 16th instant) as soon as the investigation, which is now in progress and is being diligently conducted by this court, concerning that disagreeable incident, shall have been terminated.

"With respect to the present state of the matter, the preliminary examination is still being held, and the most important proceedings have been those which were brought to your knowledge by my note of the 21st instant, No. 356, to which I refer."

By the transcription which I have made you will be able to inform yourself with regard to the state of the examination now being held concerning the occurrences which took place on the 16th instant.

As to the details furnished by the North American minister in his communication to your department, a copy of a portion of which you were pleased to send me, I must inform you that I have requested the chief of police to furnish a new and detailed report, which I will have the honor to communicate to you as soon as I shall receive it.

God guard you.

J. DE D. ARLEGUI.

The foregoing agrees with the documents on file at this legation.

[L. S.]

ANÍBAL CRUZ.

The MINISTER OF FOREIGN RELATIONS.

F.

INTENDENCIA OF VALPARAISO, October 23, 1891.

In my communication No. 3094, dated yesterday, I transcribed to you the one which had been sent to me by the judge of the criminal court, promising to communicate to you through this intendencia, as soon as the examination had been terminated, everything relating to the unfortunate conflict of the 16th instant between seamen belonging to the cruiser *Baltimore*, seamen from the national navy, and a portion of the common people of the city.

I promised you in that communication to send you to-day the new report which I had asked of the chief of police, Lient Col. Ezequiel Lazo, in view of the charges made by the minister of the United States of North America in the communication which he addressed to the Department under your charge, and several paragraphs of which you were pleased to communicate to me.

I now have the honor to send you, in the original, both the report which the chief of police sent to this intendencia, on the 17th instant, and that which he sent to me yesterday at half-past 6 o'clock p. m. on the same subject. You will thereby see how incorrect were the charges made by the minister of the United States against the police of this city. It would be, of course, physically impossible for the police to have committed all the acts of brutality and cruelty with which they are charged. The riot began at about 6 p. m. in Clave, San Martin, San Francisco streets, and others, which are inhabited by low characters and in which liquor shops and sailors' boarding houses are numerous. It is a very easy matter to collect a mob in that quarter in a few minutes.

(Here follows the rest of the report as given in detail in Inclosure C.)

G.

OFFICE OF THE CHIEF OF POLICE, VALPARAISO.

SEÑOR INTENDENTE: I hereby inform you that yesterday at 6 p. m., in Errázuriz avenue and in Arrayán and San Martin streets, a great riot took place between seamen belonging to the North American war-vessel *Baltimore*, Chilean seamen, and some of the people of the city.

While this office was receiving notice of the riot and a sufficient force was being sent to reinforce the city guard, the latter found, on its arrival, six wounded North Americans and one Chilean sailor. Boatswain's Mate Riggins, of North American nationality, subsequently died. He was sent to the hospital, together with the following wounded men: J. W. Talbot, W. Turnbull, J. M. Davidson, G. Pancker, and John Hauntier (Hamilton?).

The riot was entirely put down by the force. It is impossible for the present to learn precisely what was the cause of the disturbance, owing to the quickness with which it originated. The following seamen from the *Baltimore* were arrested and taken before the judge of the criminal court: C. G. Williams, H. Frederick, P. Thompson, A. Priffus, T. Gallagher, W. Saery, J. McPraid, C. Bayll, Neill Bonill, W. Brown, J. W. Friend, John Rudison, N. Janet, N. Doncke, J. Nelson, N. Cristen, W. Salbon, Patrick Gagan, McWilliams, G. Guth, Dory Cass, W. H. Nichols, J. Harwors, H. Curmangharm, A. Swanson, C. Welleland, Downy, J. W. Talbot, N. Harrington, G. Fiermbull, W. Trumbull, and the following Chilean sailors: Manuel Mendoza, Pedro Plaza, José Ahumada, Vicente Guzman, Enrique Roman, Manuel Cenobio, Adrian Bravo, Desiderio Castellano, José Escribano, Guillermo Hidalgo.

All of which I bring to your knowledge for such purposes as may be proper.

Valparaiso, October 17, 1891.

EZEQUIEL LAZO.

The INTENDENTE OF VALPARAISO.

Certified to be correct by the Chilean legation at Washington.

H.

From the Chief of Police of Valparaiso.

SEÑOR INTENDENTE: In obedience to your verbal order to report concerning the contents of an extract from the note of the United States minister addressed to the minister of foreign relations relative to the affray which took place on the 19th instant between some North American seamen and a number of Chilean seamen and people of this city, I have to inform you that I ratify in all respects the report which I made to you on this subject under date of the 18th instant, and I may add that the charges made against the police by the United States minister are wholly unfounded, since the police did nothing more than their duty and did not maltreat a single one of the foreign seamen. It was their duty to disperse the crowds which had collected in several streets, owing to the riot which had taken place between the seamen of both

nationalities and a number of the people of the city—to send all that they were able to take to the police station, in order to shelter them from further attacks, and as you are aware 31 United States seamen and 11 Chileans were taken before the criminal court for examination.

Capt. Honorio Zamudio, who was in command of a detachment of police, found on reaching the scene of the disorder a mob of not less than 1,000 persons, and in his report to me and in his statement before the judge of the criminal court he has declared that that serious riot was put down by his intervention, adding that the wounded men who were found, both American and Chilean, were sent to the hospital, and that they had been wounded in the fights which had taken place before he arrived. He adds that, when he reached Marquez street, he heard the shot of a gun or pistol, and turned towards the group whence he thought that it had come; he then found that a foreign sailor had received a ball in the neck, and it was impossible in that crowd to find out who had fired the shot. This is all that I have to say on the subject.

EZEQUIEL LAZO.

OFFICE OF THE CHIEF OF POLICE,
Valparaiso, October 27, 1891.
THE INTENDENTE OF VALPARAISO.

Certified by the Chilean legation at Washington to be correct.

I.

From the Judge of the Criminal Court of Valparaiso.

VALPARAISO, November 6, 1891.

SEÑOR INTENDENTE: I have read the translation of a communication sent to you by the commander of the *Baltimore*, in which he sends a list of names of persons who may be summoned to testify at the examination which this court is now holding concerning the riot of the 16th of October last, and I am happy to inform you that the court has ordered all the persons mentioned to be summoned without delay.

The commander of the *Baltimore*, in his communication, mentions several of the men belonging to the crew of that vessel; before allowing them to testify, however, he requires:

- (1) That they be permitted to make their statements in their own language.
- (2) That they shall be accompanied at court by an officer who is to serve as their adviser.
- (3) That their statements shall be public and that they shall not be held in reserve,
- (4) That the commander shall be allowed to read their statements.

As to the first condition required for the appearance of the seamen of the *Baltimore*, you will understand that this court has no objection to it whatever, nor could they give their testimony otherwise than in the manner desired by the commander, since they do not understand the Spanish language.

I may also add that, desiring to furnish all necessary facilities for the defense of the rights of the American seaman, this court will accept their testimony through such interpreters as they themselves may designate, although there is among its clerks an interpreter who has never given cause for doubt as to his impartiality and discretion.

The same is not the case in regard to the other conditions required, none of which could be granted by this court, since all of them are contrary to the secrecy required by our laws of procedure in criminal cases so long as the preliminary examination of such case is in progress.

The judicial authorities of Chile could not permit, Señor Intendente, without detriment to its decorum and to the prerogatives belonging to the republic as a free and sovereign nation, that, in view of exigencies which are justified neither by law nor by any reason whatever, distinctions should be made which are openly in violation of the laws which, in our country, protect all persons, whether native or foreign.

On this subject I reproduce the considerations contained in my communication, No. 206, of this date, sent to you in reply to the claim made by the North American consul relative to the seaman Patrick Shields, of the steamer *Keweenaw*, the contents of which communication you may communicate to the commander of the *Baltimore*.

Perhaps, without insisting upon his demands, the commander may obtain what he asks for, if he will send his seamen, together with some officer in whom he has confidence, who is familiar with the Spanish language, to act as their interpreter. God guard you.

E. FOSTER RECABARREN.

The INTENDENTE OF VALPARAISO.

Certified to be correct by the Chilean legation at Washington.

J.

From the criminal judge of Valparaiso.

[Translation.]

No. 382.]

CRIMINAL COURT,
Valparaiso, November 3, 1891.

SEÑOR MINISTER: As you are aware, this court is at present, and has been since the 17th of October last, conducting with activity and zeal an investigative *sumario* in regard to the lamentable disorders which took place on the afternoon of the previous day in the Arrayán quarter of this port between sailors of the American cruiser *Baltimore*, Chilean sailors, and people of the town, with the unflinching purpose of investigating the real origin of those events, and applying in due time the fitting punishment to the persons who may be found responsible therefor, whatever may be their nationality.

In the course of the investigation this court, obeying the positive precepts of our laws of procedure, which prescribe that the judges of instruction in criminal cases shall endeavor to attain to the truth by all means within their reach, and keeping, also in view a purpose of exalted impartiality and international courtesy, issued an order (*decreto* rule) directing that there be requested, in order to make use of them in the investigation, such details in regard to the occurrences above referred to as it might have been possible for the American consul and the commander of the *Baltimore* to collect, and the court notified the intendente of the province to obtain through his mediation the aforesaid details.

Under date of yesterday the intendente submitted to the court copies of the notes sent to him by those officers, wherein both of them excuse themselves from furnishing any particulars whatever, alleging that the matter had been brought to the cognizance of Mr. Patrick Egan, minister plenipotentiary of the United States in Santiago, by order of their Government. The commander of the *Baltimore* adds, moreover, for his part, that Mr. Egan could furnish, if requested to do so, a list of names of persons, who, in their turn, could state the names of other persons who witnessed the death of the sailor Riggins and the wounding of several other members of the crew of that cruiser.

This last suggestion of the commander constrains the undersigned to address himself to you in order to request, through the official channel of your department, the particulars which Mr. Egan may possess in regard to the disorders under examination, and especially the names of the witnesses to whom the aforesaid naval commander refers.

And, now, that I have had this opportunity to address you, I do not wish to let it pass without expressing to the minister the surprise which this court could not but feel that there should have been an attempt to make a vexatious international question out of an affair which, by reason of its nature, its characteristics, and its proportions, ought never, looking at things with a dispassionate judgment, to have left the halls of the court which was investigating it in conformity with the laws which, in our country, protect the rights of all without distinction of nationality.

Indeed, Señor Minister, in order that a common crime, defined and punished by our penal code, committed in our territory and in which foreign citizens have been concerned as responsible actors or as victims, could be removed from the ordinary and equal sphere of the courts of justice without evident wrong to our rights as a sovereign and civilized nation, and be carried into the craggy domain of diplomacy, it would be necessary for one of the following circumstances to have taken place:

(1) That the authorities of the district or their responsible agents should have taken a personal and direct part in the offense.

(2) That, it having been in the power of the said authorities or their agents to

prevent the occurrence of the event, or its later consequences, they should have neglected to do so.

(3) That the ordinary justice having cognizance of the occurrence should not have proceeded to investigate the facts in order to punish those who might be found guilty; and

(4) If the court, called upon to take cognizance of the affair, should decide it in a sense contrary to existing law and in prejudice of the foreigners concerned.

Do the disorders of the 16th of October appear to be invested, perchance, with any one of these conditions?

Without violating the legal seal of the *sumario*, I can inform you in advance that neither the wounded sailors, nor the commander of the *Baltimore*, nor the American consul, nor any person whosoever, has made imputation against our authorities or against their immediate and responsible agents, by even insinuating before this court that the disorders of the 16th could have taken place with their participation or knowledge.

Neither has any charge whatever been made, either specific or general, against the said authorities or against the police, because of their not having endeavored to prevent those occurrences and their subsequent and deplorable results.

On the contrary, from the concurrent testimony of the greater part of the sailors of the *Baltimore*, it appears that the police rendered them timely assistance and that they endeavored to protect them by withdrawing them from the action of the populace and conveying them to their own barracks.

Only one of those sailors, N. C. Janet, maintained before the court that the policeman who arrested him had struck him while taking him to the police barracks, adding at the same time that he did not know that policeman and was unable to prove the fact.

The commander of the *Baltimore*, himself, who, in company with the North American vice-consul came to make an official visit to the undersigned in the public office of the court, made satisfactory declarations concerning the conduct of the police in the disorders under examination; and added, moreover, that the conduct of certain of the officers toward his sailors had been *delicately considerate*.

It is incumbent upon me, also, to add for my part, that the court is taking active measures to find all the parties guilty of the injuries committed against the citizens of a friendly nation; and that with the coöperation of the police force, it has succeeded in arresting several of the individuals to whom a direct participation in those acts was attributed, of whom two have confessed.

It is to be regretted that the *sumario* has not yet been concluded; but you will comprehend that by reason of the great attention given thereto it has not been possible to finish in a few days the investigation of a complicated case, in which hundreds of persons were involved, many of whom must be called upon to testify, besides which the witnesses must be summoned whom the accused present in their behalf, and their testimony taken.

The *sumario* will follow the course which our laws of procedure prescribe; and the minister may rest fully assured that exact and impartial justice will be done.

If therefore the disorders of the 16th do not involve the first two conditions above set down; if the competent court is conducting the *sumario* of the case with activity and persistence, and if there be no motive whatever for supposing that in the final judgment to be rendered there will be violation of law to the prejudice of the right of the sailors of the *Baltimore*, how then has the minister of the United States been enabled to seek in the resort to diplomacy that protection for his countrymen which no one has denied to them, and which the Chilean law most amply concedes to them as to its own citizens?

The undersigned entertains the full assurance that you will uphold with the patriotism, uprightness, and impartiality, which characterize you, the privileges of this court, if, as I do not anticipate, the minister of the United States should be disposed to disregard them.

May God guard you.

E. FOSTER RECABARREN.

A true copy.

The MINISTER OF FOREIGN RELATIONS.

A. BASCUÑAN M.

This agrees with the documents on file in the archives of this legation.

WASHINGTON, December 19, 1891.

ANIBAL CRUZ.

K.

MINISTRY OF FOREIGN RELATIONS,
Santiago, November 9, 1891.

SIR: The judge who is conducting the examination which has been begun with a view to discovering the parties responsible for the disorderly acts which occurred on the 16th ultimo, has found, in prosecuting in investigations, that it is necessary, in order to secure all possible data conducive to the elicitation of the truth, to ask for such information as it was said could be furnished by the commander of the *Baltimore* and the consul of the United States of America at Valparaiso.

According to a communication from the judge to the secretary of state in the department of justice, the aforesaid commander and consul were requested by the intendant of Valparaiso to furnish such information, but they excused themselves from making any statement whatever on the ground that the information in their possession had, "by order of their Government, been brought to the knowledge of the Hon. Patrick Egan, minister plenipotentiary of the United States at Santiago."

The commander added that Mr. Egan could, if requested, furnish a list of names of persons who, in their turn, could give the names of others who had witnessed the death of the seaman Riffin and the wounding of various other men belonging to the crew of the *Baltimore*.

Such is, with proper reservations touching all that might be understood as having been done in disregard of Chilean jurisdiction, owing to certain ways of acting, and the words whereby they are explained, the point on which this department of foreign relations desires that, giving the testimony which is necessary and conducive to the elucidation of the facts and the discovery of the guilty parties, the envoy extraordinary and minister plenipotentiary of the United States will be pleased to furnish such information as may be in his possession, thereby contributing to the discovery of the truth in regard to the disturbance which took place on the 16th ultimo.

The progress of the examination has now been delayed for several days, owing to the unwillingness of the officers of the *Baltimore* to appear before the court, and it will be delayed until the testimony is given which has been asked for by the judge, and which, it appears, he requires in order to continue and complete his investigation.

Without lengthening these notes by indulging in reflections and considerations concerning the rules and the obligations that must govern a judge who is engaged in the investigation of occurrences like that which took place on the 16th of October, the undersigned calls the minister plenipotentiary's attention to the necessity not only for expediting but also for completing the examination of the communication to this department of his important testimony, to the end that it be transmitted without delay to the competent court.

Awaiting your reply and reiterating to you the assurance of his consideration, the undersigned remains,

Your obedient servant,

M. A. MATTA.

Hon. PATRICK EGAN,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

A correct copy.

A. BASCUÑAN M.

Señor Montt to Mr. Blaine.

LEGATION OF CHILE,
Washington, December 31, 1891.

SIR: In accordance with my promise made to you in our interview of to-day, I am happy to send you a copy of two notes from the minister of foreign relations of Chile to Mr. Egan, together with various documents relative to complaints made by the American legation at Santiago against the detective force.

With sentiments, etc.,

PEDRO MONTT.

From the minister of foreign relations to the envoy extraordinary and minister plenipotentiary of the United States.

SANTIAGO, November 17, 1891.

MR. MINISTER: On Monday, at 5 p. m., your note of that date was received at this department, wherein you state that certain spies of the secret police, who had been stationed, near the house and in the neighborhood of your legation, have molested the inhabitants of that section of the city by knocking on the windows and uttering gross insults to the refugees whom they saw in the room which looks out upon the street, the disorder having been stopped by the intervention of other police officers who rode up in a carriage and arrested those who had created the disorder.

Mr. Egan, even if the police had not stopped that disorder at once, might have felt certain that such actions would meet with no support or excuse on the part of this ministry, as the undersigned feels certain that the honorable minister plenipotentiary does not approve or justify the indiscretions of the refugees, who more than once, by their cries, gestures, and violent attitudes, have provoked the passers-by, who may not have been and who were not officers of the police, either secret or public.

Immediately after the reception by this department of the note of the honorable envoy extraordinary, the intendente of Santiago was instructed to make a report on the subject, from which it appears that Mr. Egan has not been correctly informed.

Whatever may be the opinion entertained and the comments that may be made upon this occurrence and those who took part in it, what is proved by the words of the minister is that the disturbance of the tranquillity of the neighborhood and of his house was ended by the intervention of the local authorities, who do not recognize as their agents the drunken persons who created the disturbance, and who, if detected, would be punished as they deserve.

This department does not mention the reports of the police, which state that not only some of the refugees, but some persons connected with the North American legation, commit indiscretions that call forth replies and reprisals which do not cause the right or the decorum of anyone to appear in a favorable light.

The undersigned, etc.,

M. A. MATTA.

A correct copy.

[L. S.]

ANÍBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

From the minister of foreign relations to the envoy extraordinary and minister plenipotentiary of the United States.

SANTIAGO, November 23, 1891.

SIR: Half an hour after the interview of the honorable minister plenipotentiary, on Saturday, the 21st, with the undersigned, the latter received a note bearing date of the 20th, in which reference is made to the same troublesome matter which, among others, was discussed in the interview which terminated in a manner that seemed to indicate something else than the receipt of the note to which he now has the honor to reply.

It is deeply to be regretted that the honorable envoy extraordinary and minister plenipotentiary, when a case arose in which certain policemen, either drunk or sober, disturbed the tranquillity of the neighborhood, and were lacking in the respect which is due to the building occupied by the legation, did not give immediate information thereof, for then the chief of police and the intendente of Santiago would have seen that prompt justice was done.

In addition to the consideration due to the honorable minister plenipotentiary, there is another reason to regret the delay in furnishing information of the disorderly conduct which has been brought to the notice of this department, and that is that those policemen or spies, as they are called by the honorable minister plenipotentiary, may have been agents of the very persons to whom an asylum has been granted at the legation, and who maintain relations with others who disguise themselves as officers, and who may be interested in fomenting this trouble, which causes so much annoyance to the American legation and to this department.

At all events, the matter having been brought, although after considerable delay, to the attention of the undersigned, a suitable investigation of the case will be made and the demands of justice will be met.

In closing this reply, it will not be wholly amiss to call the attention of the honorable minister plenipotentiary to the fact that some of the refugees at the legation, owing to their former official position, still maintain connections of which they can avail themselves with other persons not belonging to the legation, and those persons, by reason of their attitude and their conduct at sundry times, might very well aid in creating these troubles, which, as they are not to the taste and do not come within the sphere of the official duties of the honorable envoy extraordinary, can not be to the taste or come within the sphere of the duties of the undersigned.

Neither the acts complained of by the honorable minister, nor those suspected by the undersigned, all of which are the outcome of the anomalous situation and not very discreet course pursued by those to whom an asylum has been granted at the North American legation, are, to use the honorable minister's words, "calculated to promote a continuance of that spirit of cordial friendship which it is so desirable to cultivate between our two countries." They will not, however, interfere with the good judgment and strict courtesy with which the representatives of both countries will continue to discuss the matters confided to them.

I have the honor, etc.,

M. A. MATTA.

A correct copy.

[L. S.]

ANIBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

From the intendente of Santiago to the minister of foreign relations.

SANTIAGO, November 17, 1891.

I have this day received your excellency's note of the 16th, in which you mention the complaint made by the United States minister on account of certain disorderly acts which he says were committed in front of his house on the night of the 15th instant.

I herewith transmit to you, in the original, a police report, which has been received at this office and which seems to refer to the same occurrence. I have, moreover, this day instructed the prefect of police to furnish a report; and as soon as I receive it I will transmit it to your excellency, together with all the data on the subject that I may have been able to obtain.

God guard you.

CARLOS LIRA.

A correct copy.

[SEAL.]

ANIBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

From the bureau of investigation (i. e., secret police) to the prefect of police.

Among the persons whose duty it is to execute the orders of the court and to maintain public order, reporting to this office, some have repeatedly informed me that, when passing in front of the house occupied by the American legation, in Monjitas street, they have been grossly insulted by various persons who have called them scoundrels, wretches, traitors, and have applied other epithets to them which, from a sense of decency, I do not repeat.

They have also informed me that on other occasions eggs have been thrown at them from the porch of the legation.

As these statements are frequently made, I deem it my duty to bring them to your notice for such purposes as may be proper.

SAMUEL PLAZA.

SANTIAGO, November 15, 1891.

A correct copy.

[L. S.]

ANIBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

From the prefect of police to the intendente of Santiago.

SANTIAGO, November 18, 1891.

SEÑOR INTENDENTE: I have carefully read the note addressed to your excellency by the honorable minister of foreign relations, containing a transcript of a communication from the honorable minister plenipotentiary of the United States, in which Mr. Egan states that seven or eight spies, belonging to the secret police, were last week stationed near the door and in the neighborhood of the legation, the honorable minister adding that at a late hour of the preceding night those men had committed disorderly acts which disturbed the tranquillity of the neighborhood, pounding on the windows of the legation, and grossly insulting the refugees. His excellency Mr. Egan states, in conclusion, that the disorder was ended by the intervention of other police officers.

In view of the statement made by the honorable minister, to the effect that agents of the authorities are acting as spies upon the house which he occupies, your excellency may give the assurance that the police officers, in whatever capacity they may have to present themselves, and whatever may be the task that they are called upon to perform, will, above all things, be respectful, and that in no case will they act the part of provokers, which offense would be punished by me with the utmost severity.

I am not surprised, Señor Intendente, that a case has arisen in which refugees at the legation have been molested by some of their many political opponents. Of this, however, I have no knowledge.

As to the statement made by the honorable minister with respect to disorderly acts committed by officers supposed to be under the control of this department, the only knowledge of it that I have has been received from the note transcribed.

The honorable minister, at the close of his note, calls attention to the fact that the disorder was ended by other police officers who rode up in a carriage after 2 o'clock p. m.; that is to say, after about twelve hours of alarm to the neighborhood, and arrested the persons who had created the disorder. In both cases I think, Señor Intendente, that there has been a mistake on the part of the persons who were the minister's informants, for at the time referred to in the note to which I am replying neither the chief of police nor the criminal courts received any information showing such assertions to be true.

Moreover, Mr. Intendente, I think proper to call your attention to the original reports of the 15th and 18th instant by the chief of the bureau of investigation (*i. e.*, secret police).

This is all that I have to say on the subject concerning which you have asked for a report.

JULIO ARGOMEDO.

A correct copy.
[L. S.]

ANÍBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

From the bureau of investigation (i. e., secret police) to the prefect of police.

SEÑOR PREFECT: The officers of this bureau have, for the third time, been insulted by persons coming from the house which is occupied by the American legation.

Last night, while Guardians Rafael Herrera and Erasmon Sepúlveda were seated on the threshold of a house near to that which is occupied by the aforesaid legation, taking a moment's rest after going over a large portion of the city, the son of the American minister came up to them and addressed them in terms which did very little honor to him who made use of them, and which were highly offensive to our national pride.

I must inform you that these agents confined themselves to taking note of the insulting expressions and of the person who made use of them, in order to report the same to the proper authorities.

I bring the foregoing to your notice for such purpose as may be proper.

SAMUEL PLAZA.

SANTIAGO, November 18, 1891.

A correct copy.
[L. S.]

ANÍBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

Señor Montt to Mr. Blaine.

LEGATION OF CHILE,
Washington, December 31, 1891.

SIR: I have the honor to send you a copy of the telegram which was received last night from my Government, and of which I spoke to you in our interview to-day, whereby I am informed of the progress of the proceedings now being held at Valparaíso on account of the lamentable occurrences of October 16.

As appears from the proceedings which have already been made public, all the North Americans, with the exception of two, declare that the police did their duty and make no charges against them whatever.

With sentiments, etc.,

PEDRO MONTT.

Señor Matta to Señor Montt.

[Telegram.]

It appears from the examination that the quarrel began between two sailors in a tavern in the district called Arrayán, and that it was continued in the street, persons who were passing by joining in it, together with the inhabitants of the streets known as del Clave, San Francisco, and Alamos.

The disorder increased and extended through Arenal, San Martín, and Cochrane streets, as far as Echázuren square, when the police restored tranquillity. All the North Americans, with the exception of two, declare that the police did their duty, and it appears from the voluminous documents relating to the case that the courts have done and are still doing theirs. When the Government attorney shall have made his report and the time for taking evidence shall have expired, a sentence will be pronounced whereby it will be shown who the guilty parties are, which, for the present, can only be conjectured. Whoever they may be they will be punished. Judicial proceedings are being diligently conducted.

MATTA.

SANTIAGO, December 30, 1891.

A correct copy.
[L. S.]

ANÍBAL CRUZ,
Secretary.

WASHINGTON, December 31, 1891.

Señor Pedro Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, January 4, 1892.

SIR: I have the honor to transmit to you a telegram which I received last night from Mr. Pereira, the minister for foreign relations, which is as follows:

Inform the United States Government that a summary of the attorney-general's report relative to the occurrence of October 16, which Chile has lamented and does so sincerely lament, will be sent on Monday, the 4th instant.

With sentiments of the most distinguished consideration I sign myself,

Your most obedient servant,

PEDRO MONTT.

Señor Pedro Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, January 8, 1892.

SIR: The preliminary examination (*sumario*) which the criminal judge of Valparaiso began on the 17th of October concerning the deplorable events which took place on the preceding day in that city has terminated after having been actively conducted, and in order to satisfy the desire you were pleased to express to me to be made acquainted with the result, I take pleasure in transmitting to you the information which you requested and which I have received from Santiago by telegraph.

Upon a *sumario* being concluded, it passes to the prosecuting attorney (promotor fiscal), in order that he may examine it and in view of the antecedents frame an indictment against the persons who may appear responsible for the offenses which are being prosecuted. The prosecuting attorney of Valparaiso, in compliance with the law, has examined in detail all the testimony given by the sailors of the *Baltimore* and by the numerous persons who were eyewitnesses of the facts, and the conclusion which he has reached is as follows:

(1) The lamentable occurrence of the 16th of October had its origin in a broil between sailors of the two nationalities, Americans and Chileans. The sailors who began the disturbance were drunk, and the affair assumed extensive proportions owing to the character of the quarter of the town in which it took place, which is inhabited by people of disreputable habits and abounds in places for the sale of liquors.

(2) From the first moment the police did everything that the authorities ordered them to do in order to repress the disturbance.

(3) All the witnesses without exception, including the sailors of the *Baltimore* with the exception of two, have admitted that the conduct of the police was correct, and that they did no other thing than fulfill their duty.

(4) Of firearms there was only one revolver shot, the discharge of which was isolated. This shot can not be attributed to the police, because the police use *comblain* (carbines), and not revolvers.

The prosecuting attorney has brought accusation against those who, from the *sumario*, appear to be guilty and they are: Carlos Gomez, Federico Rodriguez, and Ahumada, Chileans, and Davidson, an American; and has asked that upon them be imposed the penalties assigned by the law, namely, upon Gomez of 3 to 5 years penal imprisonment, Rodriguez from 2 to 18 months, and Ahumada and Davidson 20 to 40 days of imprisonment.

By mail I shall receive the attorney's report in full, and I shall have pleasure in communicating it to you, should you desire to be acquainted with it.

Upon the conclusion of the *sumario* the procedure prescribed by the laws is to communicate to the criminals the indictment framed by the prosecuting attorney and to set down the case for trial within a brief period. Thereupon the sentence is pronounced, which must be reviewed by the superior court.

Considering the bulk of the record of proceedings, which exceeds 300 folios, the necessary investigations to discover the culprits, the numerous witnesses whose depositions have been taken, and the delay in the appearance of several of them, of which you have knowledge, the activity shown by the criminal judge of Valparaiso in this matter,

to the end that public justice should be speedily done, has been satisfactory to my Government.

I have also received special instructions to state to the Government of the United States that the Government of Chile has felt very sincere regret for the unfortunate events which occurred in Valparaiso on the 16th of October. Although incidents of this nature are not rare in ports frequented by sailors of various nationalities, the fact that deaths and wounds were caused in the disturbance of the 16th of October, the zeal with which the Chilean authorities are accustomed to watch over the personal security of all who tread its territory, the fact that persons employed in the service of a friendly nation were concerned, and the frank desires for American cordiality which my Government entertains have led it to cordially deplore the aforesaid disturbance and to do everything in its power toward the trial and punishment of the guilty parties.

With sentiments of the most distinguished consideration, I subscribe myself,

Your very obedient servant,

PEDRO MONTT.

Translation of telegrams from minister for foreign relations of Chile to Chilean minister, delivered to Mr. Blaine by Señor Montt, January 15.

SANTIAGO, January 14, 1892.

Minister MONTT, Washington :

English Fireman Shields, of American merchant vessel *Keweenaw*, was declared deserter by captain of vessel 24th October last. Same day police took him up drunk in street.

JANUARY 11. Davidson accused of stoning.

Translation of a telegram from minister for foreign relations of Chile to Chilean minister in Washington, delivered to Mr. Blaine by Señor Montt, January 18. Date not given. (Received January 16, 1892.)

Commander of Yorktown notified naval commandant that he was going to send by mail steamer the refugees he has on board. Having asked instructions, the naval commandant replied to him that the Government did not give safe conduct to the refugees. They will understand the contingencies to which they are exposed by embarking in merchant vessels or in mail steamers.

PEREIRA.

Señor Pedro Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, January 20, 1892. (Received 1:23 p. m.)

SIR: I have received instructions from my Government to state to you that, in its desire to cultivate cordial and friendly relations with the United States, the continuance of Mr. Egan as minister of the United States in Santiago is not agreeable to it.

Mr. Egan is not *persona grata* for my Government, which will have much pleasure in receiving another representative of the United States.

The desire of the Government of Chile to draw closer its relations with that of the United States is its motive for taking this step.

With sentiments, etc.,

PEDRO MONTT.

Señor Pedro Montt to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, January 23, 1892.

SIR: In view of the wish you were pleased to express to me, I requested from Santiago and have to-day received by telegraph a copy of the testimony given by one of the sailors of the *Baltimore* in regard to the deplorable events of the 16th of October at Valparaiso.

The declaration which I send to you is that of the sailor J. M. Talbot, made by him before the criminal judge and in the presence of the accused, and with the assistance of Mr. MacCrea, an officer of the *Baltimore*, who discharged the functions of interpreter and who signed the record of the testimony in union with the judge and the sailor who testified.

In the evidence given by Talbot at Valparaiso, in the presence of the accused, you will see that he makes no charge against the police, nor against Chilean soldiers, and his testimony is signed by himself and by Mr. MacCrea, an officer of the *Baltimore*, who discharged the functions of interpreter.

According to what I have been able to see in the newspapers, Talbot has testified at Valajejo very different things from those which he testified at Valparaiso, and has made grave charges against the police and against Chilean sailors in uniform.

When the declarations made by the other sailors at Valparaiso, of the dispatch of which by mail my Government advises me, shall reach this city, you will be able to appreciate the difference there is between the testimony given by them at Valparaiso under cross-examination [*en un juicio contradictorio*], confronted with the accused, and that which they have said at Valajejo, where there was nobody in a position to contradict their affirmations.

With sentiments, etc.,

PEDRO MONTT.

[Inclosure.—Translation.—Telegram.]

*Señor Pereira to Señor Pedro Montt.*MINISTRY OF FOREIGN AFFAIRS,
Santiago, January 22, 1892.

In the confrontation of witnesses [*careo*] recorded at folio 84 of the original docket, the officer of the *Baltimore*, Mr. MacCrea acting as interpreter, the North American sailors, John M. Talbot, John Davidson, George Paucher, John Hamilton, John Butler, James MacJohnson, Joseph Seigler, Patrick MacWilliams, and Charles Williams gave testimony. Talbot said that he confirmed his evidence, folio 21, and must add thereto, that on the day of the occurrence the deponent was in a city tram car, in the street of the Arsenal, in company with the deceased Riggitt, when they were attacked by a numerous group of people of the town who began to insult them, besides throwing stones into the tram car, from which they endeavored to take them out by force. The deponent and his companion saw themselves obliged to get out of the car, and they were both immediately attacked by the mob which surrounded them, and they became separated the one from the other. While in this situation he saw Riggitt, about ten paces distant, throw up his hands in the air with the gesture of a man about to fall to the ground, as he indeed fell, wounded as it seemed by a knife, but he heard no noise or detonation of a firearm. The deponent was unable to lend assistance to his companion, because of having to defend himself, and in order to save his life he had to take flight, being afterwards rescued by the police, who took him first to the barracks and afterwards to the hospital, which was necessary because of the condition of the injuries he received in the tumult. The witness did not see who wounded Riggitt, who, as he afterwards learned, was wounded by a bullet at the same spot where the occurrence took place, dying in consequence of those wounds. He likewise does not know who it was that wounded the witness, for in the confusion he could not fix upon any person in particular; and he should add that because of his wounds he was ill and rendered unfit for duty until now, not being yet entirely well. He knows none of the prisoners with whom he has been confronted, and does not know what part they may have taken in the disturbance.

FOSTER RECABARREN.

J. M. DAVIDSON.

JOSEPH SINGLER.

J. M. TALBOT.

JOHN HAMILTON.

JOHN BUTLER.

J. MATTUN JOHNSON.

C. J. WILLIAMS.

JORGE PAUTCHER.

HENRY MACCREA,

Officer of the Baltimore, Interpreter.

RENGIFO,

Interpreter of the Court.

THE SECRETARY.

The foregoing declaration is textual.

PEREIRA.

I certify that the foregoing copy is in conformity with the telegram received to-day at the Legation.

Washington, January 23, 1892.

ANÍBAL CRUZ,
Secretary.

CORRESPONDENCE

OF

NAVY DEPARTMENT

CORRESPONDENCE.

Señor Lazcano to Mr. Blaine.

[Translation.]

LEGATION OF CHILE,
Washington, January 16, 1891. (Received February 12).

SIR: I regret to inform you of a revolt of a division of the navy of the Republic of Chile in the port of Valparaiso on the 7th of this month. My Government has declared the revolted squadron outlawed, and instructs me to inform you that it is not answerable for the acts of the rebels in regard to foreigners or citizens.

I renew to you my sentiments of high and distinguished consideration.
PRUDENCIO LAZCANO.

Mr. Blaine to Mr. Tracy.

DEPARTMENT OF STATE,
Washington, January 19, 1891. (Received 20th).

SIR: I have the honor to inclose for your information copy of a telegram just received from our minister to Chile, stating that the revolted squadron is about to blockade certain of the Chilean ports, and asking that some of our war vessels may be sent to those waters for the protection of United States interests.

I have the honor to be, etc.,

JAMES G. BLAINE.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 24, 1891.

Mr. Tracy orders Admiral McCann to proceed at once from Montevideo to Valparaiso, with the *Pensacola*, and to take command of the South Pacific station, for the purpose of protecting American interests.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

MONTEVIDEO, URUGUAY,
January 26, 1891. (Received January 27.)

Admiral McCann reports that he leaves for Valparaiso January 27.

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 26, 1891.

Mr. Tracy informs Admiral Brown, Honolulu, that Admiral McCann has been ordered to proceed, with the *Pensacola*, to assume temporary command of that part of the station embracing the coast of South America from Guayaquil south, and that he will return to his former station upon arrival of another vessel.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 26, 1891.

Mr. Tracy instructs Capt. Schley at Villefranche, France, to dock the *Baltimore* at Toulon, and to prepare for sea, and that orders have been mailed.

Lieut. Commander Sebree to Mr. Tracy.

[Telegram.]

U. S. S. BALTIMORE,
Villefranche, January 27, 1891. (Received January 28).

The commanding officer of the *Baltimore* reports that he will leave the next day for Toulon.

Admiral McCann to Mr. Tracy.

FLAGSHIP PENSACOLA,
Sandy Point, February 9, 1891.

SIR: I have the honor to inform the Department that on Wednesday, the 28th January last, the *Pensacola* left Montevideo, bound for Valparaiso.

There is no definite news from Chile as no papers or local mails have been received here, and the *Kosmos* steamer which arrived yesterday

morning from the west coast had parted with her newspapers before leaving the Chilean ports. Judging by the reports received from various sources, the following seems to be a fair summary of affairs at present. Affairs are very unsettled throughout the whole of Chile, and while the postal and telegraphic communications are not entirely interrupted, they are very uncertain, particularly via Panama. All telegrams are subject to Government inspection, and even then their transmission is extremely doubtful; code and cipher dispatches are particularly objected to.

The insurrectionists have seized the Chilean coast steamers for use as transports, but they have not interfered with the foreign steamers. Merchant vessels are asked for supplies, which are refused in order not to get into trouble with the shore authorities, but in some instances the lighters loaded with supplies have been taken from alongside the steamers.

The Chilean navy is stationed off the ports, but for observation, not blockade, and vessels pass in and out freely. Coquimbo is the only port reported to be in the possession of the insurrectionists, and the latest rumor was to the effect that President Balmaceda was sending a force overland, which could easily be done by rail, for the purpose of retaking the town.

Some time ago the *Blanco Encalada* was at anchor in the harbor of Valparaiso when the forts opened fire on her, forcing her to retire. One shell killed six men in the *Blanco*, and the bodies were taken ashore at Valparaiso for burial by H. M. S. *Champion*.

The torpedo cruiser *Almirante Lynch*, before reported from Montevideo, stopped here for some time and was met by the gunboat *Pilcomayo*. As 75 per cent of the inhabitants of this place are foreigners, and as there was nothing to be gained by formally capturing the town, it was not molested. The second officer of the *Almirante Lynch* made a secret agreement with the general on shore to send off some men during the night, capture the vessel, send the officers ashore under arrest, and thus secure the ship for the Presidential party. This plan was carried out successfully, a signal was made for the captain of the *Pilcomayo* to repair on board, and as he came over the side he was seized and ironed. The next day all the officers who would not join the new captain were removed to the town, where they have since been released from confinement on their parole.

These two vessels have started east, leaving here February 2 with the avowed intention of going to Montevideo to try and obtain possession of the *Almirante Condell*, a second torpedo cruiser, sister ship to the *Almirante Lynch*, and lying in that port unable to leave for want of stores and coal. Later information, received from Commander Forsyth at Montevideo, is to the effect that the *Almirante Condell* had left suddenly; it was supposed that the captain had heard rumors to the effect that new officers and a crew were coming overland to take the ship. Well-informed people here, however, seemed to doubt if the two vessels have gone out of the Straits, as they were very short of officers competent to handle and navigate them.

Foreign men-of-war are not likely to have trouble in obtaining supplies of provisions and coal except at Valparaiso, where a coal famine is said to exist, and doubtless prices will be excessive.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Captain Schley to Mr. Tracy.

[Telegram.]

TOULON, *February 12, 1891.* (Received February 12.)
 Captain Schley reports that the *Baltimore* will sail Saturday.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

TALCAHUANO, CHILE, *February 22, 1891.*

Admiral McCann reports the arrival of the *Pensacola* at Talcahuano on the 20th instant.

Rear-Admiral McCann to Mr. Tracy.

FLAGSHIP PENSACOLA,
Valparaiso, Chile, February 27, 1891.

SIR: I have to inform the Department that on Wednesday, the 25th of February, at 2 p. m., the *Pensacola* anchored in Valparaiso Bay, having left Talcahuano on the 24th at 1 p. m.

On the 10th of February the *Pensacola* sailed from Sandy Point, anchoring that afternoon at San Nicolas Bay and proceeding the next day as far as Port Tamar. On the morning of the 12th we left that anchorage, and at 1 p. m. passed by Cape Pillar, out of the Straits of Magellan.

Fearing that the supply of coal would be exhausted by the time of our arrival at Valparaiso, I decided to call at Talcahuano to replenish our supply, which port was reached on the 20th of February. I was further induced to make this stop in view of the fact that, from the most reliable information obtainable at Sandy Point, it was learned that a coal famine existed at Valparaiso, but that a supply might be obtained either at Lota or Coronel; but having no charts of the Bay of Arauco, on which the coal mines are situated, it was deemed advisable to try Talcahuano, about 40 miles farther north.

At the latter place there is a supply of Lota coal and of New South Wales coal, the latter seized by the Government. A telegram was sent on the 20th to the Chilean Government at Santiago, asking if they would let us have 200 tons of this coal; on the morning of the 21st an answer was received granting us permission to take it, and preparations were immediately made to get it on board. The consul at Valparaiso was also telegraphed about coal at that port, and learning from him on the 22d that 220 tons of Welsh coal could be had, there were only 400 tons in the place, he was instructed to secure it, and only 97 tons were taken in at Talcahuano. Our movements on the coast will be governed in a great measure by the coal supply, and it is very probable that but very little coal can be obtained between this port and Callao. The Chilean navy has been interfering with the English colliers, and the English flagship, the *Warspite*, has gone north to attend to the trouble. Capt. St. Clair, of H. M. S. *Champion*, is of the impression that the *Warspite* will not return, but keep on up to Esquimalt. H. B. M. S. *Espiegle* is expected on Saturday with news from the north.

Upon our arrival at Talcahuano I endeavored to send a dispatch to the Department announcing the fact, but was unable to get it through, as the insurrectionists had cut the cable on this side, and the Government allowed no messages to be sent over the trans-Andean line. On the 21st I sent a telegram to the United States minister at Santiago, asking him, if possible, to send a telegram to the Department announcing our arrival; he has since informed me that the telegram was sent. I also wrote to the consul at Callao, asking him to telegraph the Department, and I hope by one or the other of these means the Department has received the information.

On the morning of the 21st the governor of the Province of Concepcion, Señor Verez, paid an official visit to the ship, and was received with all the honors due his rank. He read me a telegram received from President Balmaceda, instructing him to "give to the American admiral whatever he desires, and extend to him every attention and courtesy."

The American, British, and French consuls have also called officially.

At present, in Valparaiso, the French ship *Dubourdien*, flying the flag of Rear-Admiral de Premesnil, and the British ship *Champion* are the only foreign men-of-war in port. All the Chilean fleet is off Arica, Iquique, and other northern ports.

The latest news is of a severe fight at Iquique, which place the revolutionists occupied after a bombardment, the first attack by a landing party having been repulsed.

To-morrow I will have an interview with the U. S. Minister, Mr. Egan, soon after which I expect to visit the northern ports of Chile.

Admiral Viel, the intendente and commandante of Valparaiso, and other officials of the port, have extended to me every courtesy and offer of service.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

MARCH 4, 1891.

ADMIRAL McCANN, *Flagship Pensacola, Valparaiso, Chile:*

Insurgents' vessels, although outlawed by Chilean Government, not pirates unless committing acts of piracy. Observe strict neutrality. Take no part in troubles further than to protect American interests. Take whatever measures necessary to prevent injury by insurgent vessels to lives or property of American citizens, including American telegraph cables. Endeavor to delay bombardment by insurgents until American citizens and property are removed, using force, if necessary, only as last resort and when serious injury is threatened. American vessels seized by the insurgents without satisfactory compensation are liable to be recovered forcibly, but you should investigate matter fully before taking extreme measures, and use every precaution to avoid such measures if possible.

TRACY.

Rear-Admiral McCann to Mr. Tracy.

U. S. FLAGSHIP PENSACOLA,
Valparaiso, Chile, March 10, 1891.

SIR: The telegram from the Department dated the 5th [4th] March was received on the 6th.

From the latest advices from the north, received by the P. S. N. steamer *Puno*, which arrived on the 8th, it is learned that there has been no fighting at Iquique since the evacuation of that town by the Government troops on the 22d of February. I am informed by the authorities here that there is now a force of 6,000 Government troops blockading Iquique on the land side, and that they are still in possession of the nitrate works and all the nitrate deposits on the pampas in the district; however, in consequence of the town and port being in possession of the insurgent fleet, merchant vessels desiring to load with nitrates are refused clearance for that port.

Pisagua is also in the possession of the insurgents, and Arica and Antofagasta are blockaded. Outside of these ports the insurgents have no organized land forces, while the Government has 35,000 men in the field.

As the M. C. & S. A. cable is cut north of Caldera (365 miles north of Valparaiso), I will communicate with the Department either from that port or from Valparaiso by the Transandino cable, via Santiago and Montevideo, should any important event render it necessary to do so.

On the morning of the 9th H. M. S. *Champion* sailed for Coquimbo, and during the afternoon of the same day the French flagship *Dubourdieu* sailed, destination unknown. As stated in the telegram, H. M. S. *Warspite* has gone to the North Pacific.

The charts forwarded by the Department in compliance with my request were received to-day.

It is my intention to leave here for Iquique, and possibly other northern ports, to-morrow, the 11th, returning to Valparaiso early in April.

I inclose copies of General Orders Nos. 2 and 3.

On the night of the 7th the Government transport *Maipo* was taken out of the harbor and turned over to the insurgents. The Government papers all acknowledge the loss, and say that the prime mover in it was Major Valdivioso, of the artillery, who, by means of orders which had been signed in blank by the Intendente and filled out by Valdivioso to suit the occasion, induced the first officer to take command and run the ship out. The ship had been coaled, provisioned, and watered preparatory to carrying a number of troops north, and is a great loss to the Government.

Very respectfully,

W. P. MCCANN,
Rear-Admiral, U. S. Navy.

[Inclosure No. 1.]

General Order No 2.

FLAGSHIP PENSACOLA,
Taloahuano, Chile, February 22, 1891.

The commander-in chief cautions and enjoins the officers and enlisted men of the United States naval force on the west coast of South America to abstain from discussing or criticising the present unfortunate state of affairs in Chile, and in no way to express any sentiments or opinions either favorable or unfavorable to either side. While it becomes our duty to maintain the strictest neutrality in all our official re-

lations, it is also to our interests and to the credit of the service and our Government to refrain from any expressions that can possibly be construed as an offense by either party.

Officers and enlisted men are therefore ordered to be most guarded and careful in their conversations in relation to the disturbed condition of affairs in this country with any persons outside of the United States naval service.

W. P. McCANN,
Rear-Admiral, U. S. Navy,
Commanding U. S. Naval Force, S. A. and S. P. Stations.

General Order }
No. 3. }

[Inclosure No. 2.]

U. S. S. PENSACOLA,
Valparaiso, Chile, March 10, 1891.

The officers and enlisted men of this ship are particularly warned not to receive or carry any letter, communication, or package of any description from any person in Valparaiso or elsewhere, addressed to or intended for any person at any of the northern Chilean ports.

W. P. McCANN,
Rear-Admiral U. S. Navy, Commanding U. S. Naval Force,
S. A. and S. P. Stations.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

SANTIAGO, March 10, 1891.

Admiral McCann reports that Valparaiso is in no danger of blockade or bombardment by the insurgents, for the reason that the place is very well fortified, garrisoned, and supplied; that the insurgents would be too far from their base of supplies, and that their own families and property would suffer most; that Iquique is held and blockaded by insurgents, but besieged by powerful national forces.

He reports his intention of going to Iquique with the *Pensacola* about March 11.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

U. S. S. PENSACOLA,
Iquique, March 18, 1891.

Admiral McCann reports that the Government forces were defeated at Pozo Almonte on March 7, and driven from the Pampas; that on March 17, a naval force accompanied by transports with troops sailed to attack Antofagasta; that Arica is blockaded, but that all is quiet at Iquique. The British commander-in-chief has been ordered to remain on the station.

Rear-Admiral McCann to Mr. Tracy.

FLAGSHIP PENSACOLA,
Caldera, Chile, March 24, 1891.

SIR:—I have to inform the Department that on Wednesday, the 11th March, I sailed with the *Pensacola* for the northern Chilean ports.

On the arrival of the *Pensacola* at Iquique, on Tuesday the 17th, my flag was saluted by the Chilean flagship *Esmeralda*, also by the Eng-

lish corvette *Espiegle*, and the French gunboat *Volta*, and the usual boarding calls were exchanged. The Chilean commander-in-chief Jorge Montt, of the insurgent naval force, expressed regret at his inability to call in person as an expedition to attack Antofagasta was on the eve of sailing. The ironclad *Almirante Cochrane* was approaching the harbor as we anchored and soon after entered. Our intercourse with the Chilean officers has been friendly.

The Congressional deputies (otherwise the insurrectionist chiefs), Señores Waldo Silva, Errazuriz, with other leaders, have their headquarters on board a transport in the harbor.

Upon our arrival the following-named vessels were found in port: H. M. S. *Espiegle* and *Acorn*, the French gunboat *Volta*, and the Chilean men-of-war *Esmeralda*, *Almirante Cochrane*, and *Magellanes*, also the transports *Aconcagua*, *Maipo*, *Copiapó*, *Amazonas*, and *Itata*. There were about thirty-five merchant vessels of various nationalities in port, but only one flying the American flag, a small brig engaged in the coasting trade.

During the forenoon of the 17th the *Magellanes* went out, reported bound for Pisagua. During the evening the *Esmeralda* and the transports *Aconcagua* and *Maipo* put to sea, as the boarding officer had informed me, to attack and occupy Antofagasta. On board the transports were embarked 1,200 or 1,500 troops. The ironclad *Blanco Encalada* was blockading Antofagasta at the time this expedition sailed from Iquique. The Chilean naval officers stated that it was the intention to also attack and capture Arica, which is now blockaded by the *Huascar*.

The blockades of Antofagasta and Arica have prevented merchant ships entering, and from the latter port several vessels have gone to Mollendo to await instructions from their agents; at the port of Iquique, however, there does not seem to have been any effort to prevent vessels entering, though it has been impossible for some time past for them to load.

The principal work of the blockaders seems to have been to prevent the landing of Government troops by the transports *Imperial* and *Maipo*, while the latter was in the possession of the Government, and occasionally the sailings of the mail steamers have been interfered with, as happened at Iquique on the 17th, in the case of the P. S. N. steamer *Santiago*, which was not permitted to sail till after the expedition had started south, for fear that the information might precede the attack.

On the 18th February the insurgents landed and took possession of Iquique, but were afterwards driven off and forced to retire to their ships, a small body still holding possession of the custom-house. The following morning the Government troops under the command of Col. Soto, came down from the hills during a fog and surprised the insurgents. The buildings adjoining the custom-house were fired and the insurgents were smoked out and retired to the ships, which then opened fire on the town, continuing the fire until 6 o'clock.

That evening the English admiral informed Commodore Montt that if it was his intention to renew the bombardment the next day he must give eighteen hours' notice, so that it would be possible for the non-combatants to withdraw. Commodore Montt said that the firing would not be renewed till noon of the next day; in the meantime the foreigners and noncombatants sought refuge on board the shipping in the harbor, but the firing, however, was not renewed. Considerable damage was done to the town by the fighting and the bombardment, five blocks being destroyed by fire, considerable coal burned, and the office of the

United States consul, with all the papers and records, completely destroyed.

After the bombardment, the Government troops retired to the Pampas and the insurgents took possession of the town, landing their forces, amounting to about 1,600 in all.

There have been three small actions over the hills back of the town, the fighting culminating in the battle of the Pozo Almonte, in which all the forces on either side were engaged. According to the reports there were 1,600 men on the insurgent side, and it is supposed about an equal number of Government troops. This fight took place on the 7th March, at a station on the railroad about 40 miles back from Iquique. Before the fighting began some 200 of the Government troops deserted and came over to the opposition. The battle was brief but very sanguinary, the insurgent official reports acknowledging 200 killed and an equal number wounded, and say that 400 Government troops were killed and 200 wounded. It is reported that the insurgents bayoneted most of the enemy's wounded, which will account for the large number of killed. Early in the action the Government cavalry fled, killing everyone that came in their way, regardless of whether they were friends or foes. Col. Robles, the Government commander, was wounded and captured, and afterwards assassinated in his bed. The Government forces in this vicinity seem to have entirely disappeared, and the fact that the insurgents have withdrawn all their forces from this port except one ship, the *Almirante Cochrane*, would seem to indicate that there is nothing for them to fear from the Government troops.

No harm has been done to the railroad or the oficinas (nitrate works), but the stores at the various oficinas were pillaged and provisions and clothing destroyed. There is little work being done at present at the oficinas, because it is impossible to feed the men or supply coal, the insurgents still fearing to accumulate anything on the Pampas lest the Government might retake them. When confidence is restored there will be nothing to prevent the shipping of nitrate as formerly.

Unless the Government of President Balmaceda should possess itself of a sufficient naval force to raise the blockade of the northern coast, or the army should join the insurgents, the present singular state of affairs may be prolonged indefinitely, as it is quite probable that Arica, which would be a base of supplies, will soon be in possession of the insurgents, as the entire nitrate beds now are.

A number of the troops which have been raised south and sent north to fight have gone over to the insurgents, and it would seem as if President Balmaceda was, to a small extent, recruiting an army for the benefit of his enemies.

The insurgent forces are at present in command of the entire northern coast, from Arica to Taltal, over 400 miles, as well as holding the extensive nitrate deposits on the Pampas, which have been the great source of revenue to Chile, and they are able to maintain their position so long as the Government is without a navy, since the mountainous coasts and the great deserts of Moquegua and Atacama are impracticable for extensive military operations. This fact is illustrated at the recent battle of Pozo Almonte, which was fought for the possession of these nitrate beds. The reinforcements of Colonel Robles could not reach the scene of action in consequence of the melting snow from the mountains rendering the route to the Pampas impracticable.

There is scarcely any American interest in Iquique. The consul informs me that there were not over 11 Americans registered at his office on the 31st of December last; of these he only knows 4 or 5 personally,

as nearly all of them are machinists at work in the railroad shops or at the various oficinas on the Pampas. One American who owned a building in town suffered some \$2,000 loss, due to injury inflicted on the building by shells from the fleet. The firing was directed at this building because in it was situated the office of the Government newspaper, and not because it was the property of a foreigner.

The following is an enumeration, from the most accurate information attainable, of the effective land and naval forces at the disposition of the insurgents: *Esmeralda*, protected cruiser, Commander A. Silva Palma; *Almirante Cochrane*, central battery, Commander Valenzuela; *Blanco Encalada*, central battery, Commodore Jorge Montt; *Huascar*, monitor, Commander Emilio Valverde, *Magellanes*, corvette, Commander Joaquin Muños; *Abtao*, corvette (at Taltal); *O'Higgins*, corvette (at Cobija); *Aconcagua*, transport; *Maipo*, transport; *Copiapó*, transport; *Itata*, transport, and one or two smaller transports and tugboats, the names of which could not be learned. There are about 1,600 available troops on board the transports.

I am informed by the captain of the port at Caldera that the corvette *Pilcomayo* and the torpedo cruisers *Almirante Lynch* and *Almirante Condell* are at present at Valparaíso in the possession of the Government.

Of the above-named vessels in the possession of the insurgents the *Esmeralda* is a new and powerful vessel of modern type, mounting a heavy battery, while the *Almirante Cochrane*, *Blanco Encalada* and *Huascar* are an antiquated style of armored ships, and are probably not in a condition for a protracted war, and, as stated in my cablegram of the 7th of March from Valparaíso, would hardly have the temerity to try conclusions with the batteries at Forts Bueras and Andes at Valparaíso. The *Blanco Encalada* was struck but once, by a shell from Fort Bueras, and driven out of the harbor with six killed and six wounded. I am further informed that all the vessels are short of their regular complements.

There being no apprehension of further hostilities at Iquique, I decided to visit Pisagua and proceed thence to Antofagasta.

On the 19th January the insurgent corvette *Magellanes* demanded the surrender of the port of Pisagua, which was refused by the Government authorities. In the evening, by trickery, the officers in command were captured by the *Magellanes* and the place taken without resistance; but it was retaken the next day by the Government forces, which came down from the hills back of the town. No resistance was offered, the insurgent force retiring to the *Magellanes*.

On the 23d January a fight took place on the hills and the insurgent force was repulsed. On the 5th February a squadron, consisting of the *Almirante Cochrane*, *O'Higgins*, and *Magellanes*, with several transports carrying about a thousand troops, arrived, and at 5 in the morning attacked the place. The troops were landed at Punta Pachala, to the westward of the town, and also to the northward, and marched on the town. The Government forces, about 300 strong, were masked behind some rocks to the westward, between the point and the town, from which they were dislodged by the fire of the ships and of the troops advancing on that side. Some of the insurgent troops ascended the hills and commanded the town with their fire. The Government forces retired into the houses and continued the fight, the vessels then opening fire on the town, and about noon the place was taken, the Government troops surrendering.

A shell from the *Almirante Cochrane* exploded some dynamite in a storehouse, causing considerable damage to the houses in the vicinity

and killing a number of women and children who had taken refuge there. Pisagua has been twice in the possession of the insurgents. The insurgent troops remained only a few days at Pisagua, which place has been quiet and undisturbed since its capture. For a time foreigners had to organize a patrol for their own protection at night, but at present a police force is guarding the town. No troops remain here, the only force being the corvette *Magellanes*.

Many foreigners have left to await the settlement of the troubles. For the last week vessels have been loading regularly, though slowly, and there seems to be no trouble or interference with the commerce of the port. Vessels and shippers find some difficulty in paying the duties, owing to the scarcity of silver money, the insurgents refusing to accept the paper money which has been issued by the Government. The banks are practically closed at present. At the time of visiting Pisagua, the 21st March, there were fourteen merchant vessels in port, among them the American bark *J. G. Pendleton*, from Maine, and the four-masted schooner *E. K. Wood*, from San Francisco. The masters of these vessels informed me that there had been no interference with their vessels by either of the belligerent parties. The master of the schooner had some trouble with the agents of his consignees, Grace Brothers & Co., a controversy as to demurrage, delaying his clearance, etc., the delay in obtaining the full cargo of nitrate being caused by the suspension of work at the mines incident to the recent hostilities at the port and on the pampas. An officer was sent to inquire into this matter, and found it was simply a dispute as to lay days between the master and the agent, not calling for action on my part. A German steamer of the Hamburg-Pacific line, the *Romulus*, was loading with nitrate for Hamburg.

Finding the place perfectly quiet, I did not anchor, but lay off and on for a few hours to communicate with the authorities in possession and with the American vessels in port, and then proceeded south to Antofagasta.

On Monday morning, the 23d, at about 9:30, the port of Antofagasta was reached, and after a brief stay and communicating with Commodore Montt, the ship was again started south for Caldera.

Antofagasta was occupied on the 19th March, without resistance, by the insurgent forces consisting of the *Blanco Encalada* in addition to the expedition which has already been mentioned as leaving Iquique on the evening of the 17th. After the *Blanco Encalada* had thrown a few shots over the town 1,400 troops from the transports *Aconcagua* and *Maipo* were landed and occupied the place, the Government forces consisting of only a small body of men, having retired to Colama, on the river Loa, about 150 miles by the road into the interior. The port is quiet and open to trade. Nine merchant vessels were counted in the harbor, among them two American schooners.

Commodore Montt, who is flying a broad pennant on the *Blanco Encalada*, has sent the *Esmeralda* and the *Aconcagua* to the southward probably to reconnoiter, and, if possible, to intercept the Government transport *Imperial*.

The corvette *O'Higgins* is occupying Cobija. As already mentioned from Antofagasta, the squadron is to go north and capture Arica.

It will be seen by the preceding report that the "Constitutional party" or insurrectionists, have effected a landing on the northern coast at three or four ports, but are still without a base for military operations beyond the cover of the guns of their fleet, are without means of refitting their ships or supplying their small land force, and while it would

be premature to venture an opinion as to the probable duration of the revolt, the result can not be so uncertain. One party has possession of 500 miles of the desolate coast of Chile, while the other party has everything else, and it is evident to my mind that the land and naval forces of the Congressional party are wholly inadequate to a successful prosecution or ending of the civil war in Chile.

That they can keep the sea and possession of the nitrate ports and fields while their vessels remain effective is also evident; but they are powerless to make any serious demonstration in the southern provinces or even interrupt the ordinary traffic and business of the country as carried on through the principal commercial ports of the south. In other words, President Balmaceda is master of the situation.

Could the Chilean Government possess itself of two modern battle ships, as it did during the Peruvian war, the contest would be as speedily terminated in its favor now as it was then.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Rear-Admiral McCann to Mr. Tracy.

FLAGSHIP PENSACOLA,
Caldera, Chile, March 26, 1891.

SIR: I have to inform the Department that on Tuesday, March 24, the Pensacola arrived at this port. It is my intention to sail this afternoon for Coquimbo.

Very respectfully,

W. P. McCANN,
Rear-Admiral U. S. Navy.

Mr. Tracy to Rear-Admiral Brown.

NAVY DEPARTMENT,
Washington, March 26, 1891.

SIR: When the U. S. flagship *San Francisco* is ready for sea, you will proceed with her to the waters of Chile, South America, relieve Rear-Admiral W. P. McCann of the command of that part of the Pacific station, and protect American interests.

The duty thus imposed upon you calls for the exercise of great discretion. Owing to the stoppage of communication, the Department is without authentic details in reference to the condition of affairs in Chile, and you will therefore be compelled to rely chiefly upon your own judgment in the execution of its orders, in view of the facts as you shall ascertain them.

The Chilean minister at Washington has sent the following communication to the Department of State:

I regret to inform you of a revolt of a division of the navy of the Republic of Chile, in the port of Valparaiso, on the 7th of this month.

My Government has declared the revolted squadron outlawed, and instructs me to inform you that it is not answerable for the acts of the rebels in regard to foreigners or citizens.

On the 4th of March, the Department sent to Rear-Admiral McCann, by telegraph, the following instructions in cipher:

Insurgent vessels, although outlawed by Chilean Government, are not pirates unless committing acts of piracy. Observe strict neutrality. Take no part in troubles further than to protect American interests. Take whatever measures are necessary to prevent injury by insurgent vessels to lives or property of American citizens, including American telegraph cables. Endeavor to delay bombardment by insurgents until American citizens and property are removed, using force if necessary, only as a last resort, and when serious injury is threatened. American vessels seized by the insurgents without satisfactory compensation are liable to be recovered forcibly, but you should investigate matter fully before taking extreme measures, and use every precaution to avoid such measures if possible.

As a further and more explicit guide for your action, you are directed:

(1) To abstain from any proceedings which shall be in the nature of assistance to either party in the present disturbance, or from which sympathy with either party could be inferred.

(2) In reference to the ships which have been declared outlawed by the Chilean Government, if such ships attempt to commit injuries or depredations upon the persons or property of Americans, you are authorized and directed to interfere in whatever way may be deemed necessary to prevent such acts; but you are not to interfere except for the protection of the lives or property of American citizens.

(3) Vessels or other property belonging to our citizens which may have been seized by the insurgents upon the high seas and for which no just settlement or compensation has been made are liable to forcible recovery; but the facts should be ascertained before proceeding to extreme measures and all effort made to avoid such measures.

(4) Should the bombardment of any place, by which the lives or property of Americans may be endangered, be attempted or threatened by such ships, you will, if and when your force is sufficient for the purpose, require them to refrain from bombarding the place until sufficient time has been allowed for placing American life and property in safety.

You will enforce this demand if it is refused, and if it is granted, proceed to give effect to the measures necessary for the security of such life or property.

(5) In reference to the granting of asylum, your ships will not, of course, be made a refuge for criminals. In the case of persons other than criminals, they will afford shelter wherever it may be needed, to Americans first of all, and to others, including political refugees, as far as the claims of humanity may require and the service upon which you are engaged will permit.

The obligation to receive political refugees and to afford them an asylum is, in general, one of pure humanity. It should not be continued beyond the urgent necessities of the situation, and should in no case become the means whereby the plans of contending factions or their leaders are facilitated. You are not to invite or encourage such refugees to come on board your ship, but, should they apply to you, your action will be governed by considerations of humanity and the exigencies of the service upon which you are engaged. When, however, a political refugee has embarked, in the territory of a third power, on board an American ship as a passenger for purposes of innocent transit, and it appears upon the entry of such ship into the territorial waters that his life is in danger, it is your duty to extend to him an offer of asylum.

6th. Referring to paragraph 18, page 137, of the Navy Regulations of 1876, which is as follows:

If any vessel shall be taken acting as a vessel of war or a privateer without having proper commission so to act, the officers and crew shall be considered as pirates and treated accordingly.

You are informed that this paragraph does not refer to vessels acting in the interests of insurgents and directing their hostilities solely against the State whose authority they have disputed. It is only when such vessels commit piratical acts that they are to be treated as pirates, and unless their acts are of such a character or are directed against the persons or property of Americans you are not authorized to interfere with them.

7th. In all cases where it becomes necessary to take forcible measures, force will only be used as a last resort, and then only to the extent which is necessary to effect the object in view.

The U. S. S. *Baltimore*, now en route to the Pacific, is assigned to duty on the station under your command.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

SANTIAGO, *March 30, 1891.* (Received March 31.)

Admiral McCann reports the arrival of the *Pensacola* at Valparaiso; acknowledges the receipt of telegram of March 11; that he has visited the Chilean ports to the north and that there has been no injury to American citizens or interests; that the Government forces were defeated at Pozo Almonte on March 7. and that on March 19 the insurgents occupied Antofagasta, from whence they will attack Arica.

Rear-Admiral McCann to Mr. Tracy.

FLAGSHIP PENSACOLA,
Valparaiso, Chile, March 31, 1891.

SIR: On the 29th March the *Pensacola* returned to this port from Caldera. On the way south, when about 100 miles north of this, the insurgent Chilean cruiser *Esmeralda* and the transport *Aconcagua* were met, standing to the northward, and it was suspected that these vessels had been in pursuit of the Government transport *Imperial*. Upon our arrival the latter vessel was found in port and it was learned that she had been chased for sixteen hours by the insurgent vessels above mentioned.

The two torpedo cruisers *Almirante Lynch* and *Almirante Condell*, the eight torpedo boats, only one fitted for Whitehead torpedoes, now in this harbor, and the gunboat *Pilcomayo*, situation at present unknown but supposed to be at Buenos Ayres, constitute the entire naval force at the disposal of the Chilean Government.

The port of Caldera is at present almost entirely deserted. There were, at the time of our visit, only four merchant ships in port. It is two years since an American vessel visited the place, and we have practically no interests there. At the present time there are in Caldera only three Americans, including the consul, and in Copiapo only three, which includes the consul's son. No preparations have been made to defend the place in case the insurgents attack it, but on the contrary

the Intendencia has been moved to Copiapo, about 40 miles inland by rail, and every night all the rolling stock in use on the road is removed to that city.

There is only a small cavalry force at present stationed at Caldera, and they are always ready to move into the interior at a moment's notice. The railroad machine shops have been dismantled, so that if the insurgents take Caldera they will find no facilities for repairing their ships.

On my arrival here Rear-Admiral C. F. Hotham, the British commander-in-chief, with his flagship *Warspite* and the corvette *Champion* were in port; and the French gunboat *Volta* came in just after us.

The English naval force on the coast includes the *Warspite*, *Champion*, *Daphne*, *Acorn*, and *Espiegle*.

The usual salutes and courtesies have been exchanged with the foreign ships.

From my own observation, and from what I can learn of the condition of the insurgent vessels, all but one of them are in a very crippled condition and in no way fit to work around these waters during a norther. It is also, in my opinion, very doubtful if they will risk their only efficient, but unarmored, vessel under the fire of the batteries of Valparaiso at any time, but especially during the norther season.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Rear-Admiral McCann to Mr. Tracy.

U. S. S. BALTIMORE,
Valparaiso, Chile, April 29, 1891.

SIR: Since my last report to the Department the important operations on the coast have been the following:

On the 29th of March the insurgent cruiser *Esmeralda*, accompanied by the transport *Aconcagua*, entered the harbor of Caldera, and, after exchanging a few shots with Fort Arturo Pratt, on the north side of the bay, withdrew. These vessels had been passed on the morning of the previous day by the *Pensacola* when about 100 miles north of Valparaiso. It is supposed that at this time they cut the telegraph cable between Caldera and Coquimbo. The *Esmeralda* also seized two of the small steamers belonging to the Cousiño Company, loaded with coal, and took them north.

On the 7th of April the insurgents, under cover of their ships, landed a strong force at Arica, and the day following they occupied Tacna; both of these places surrendered without fighting. The Camus division, consisting of 800 Government troops, withdrew over the Cordilleras of the Andes into Bolivia, arriving at Saltera on the 13th April, and are now marching to join the army of the south. These troops, as I was informed by President Balmaceda, were ordered by the Government to retire if attacked by the insurgents. The main part of the division of the Government troops which had been operating about Antofagasta and had retired to Calama after the former place was surrendered to the insurgents, together with the remnant of the troops defeated at Pozo Almonte, are retiring to the south through the Argentine Republic. This division is composed of cavalry, artillery, and gendarmes.

On the 18th of April the Government torpedo cruisers, *Almirante Lynch* and *Almirante Condell*, accompanied by the transport *Imperial*, sailed from Valparaiso. Their destination had been kept a secret, but it was supposed to be some port to the north to reconnoiter the insurgent fleet. On the morning of the 23d April, about 4 a. m., the two torpedo cruisers entered the harbor of Caldera and attacked the *Blanco Encalada*. The insurgents had occupied this port a few days before, and were marching on Copiapo. The morning of the attack was perfectly clear, the light in the light house burning brightly and the ships' lights perfectly visible, so that the torpedo boats had no trouble in making the attack. Four torpedoes were discharged at the *Blanco Encalada*, and it is probable that at least two of them took effect nearly amidships, as she sank in five or six minutes, carrying down about 150 men including all the engineers. After the sinking of the *Blanco Encalada* the two torpedo boats left the harbor, and outside encountered the insurgent transport *Aconcagua*, which vessel they immediately attacked. Some time was spent in maneuvering to get a position off the quarter or astern, where the gun mounted in the bow of the *Aconcagua* could not reach them, when the *Warspite* came in sight, and the torpedo cruiser, mistaking her for the insurgent cruiser *Esmeralda*, made off with the greatest rapidity. Both the torpedo cruisers have returned here; the *Condell* is uninjured, while the *Lynch* has been docked, having suffered some injury, but not sufficient to prevent her returning by herself.

The *Warspite* then entered the harbor of Caldera, where the *Blanco Encalada* was found sunk in ten fathoms of water, with only her mast-heads showing above the water.

The destruction of the *Blanco Encalada* has doubtless proved a stunning blow to the insurgent cause in Chile, but the event has developed no new feature whatever in the art of naval warfare, as it was a surprise pure and simple. The commanding officer, so I am informed by Capt. Lambton, of the *Warspite*, admits that he alone was to blame for the catastrophe. He had no lookouts at the entrance of the harbor where the light was left burning; no picket boats out or torpedo nets in place; no lookouts on board ship or guns in readiness, nor in fact were any precautions whatever made against a night attack or surprise. The usual precautions adopted in time of war were entirely neglected, and he consequently lost his ship and crew.

When the insurgents took possession of Caldera the Government troops withdrew to Copiapo, taking with them all the rolling stock of the railroad. Commodore Montt was ashore with the troops, which were advancing on Copiapo by two routes, one along the railroad track and the other along a cart track. I have been informed by Minister Egan that this news was at once telegraphed to the United States Government through the usual diplomatic channels.

The *Huascar* and *Magellanes* were at Charzal at last accounts.

Some time since the Chilean Government issued a decree declaring the northern ports, at present in the possession of the insurgents, closed but not blockaded, saying also that no vessels would be cleared for those ports, and any vessels coming from those ports and having paid duties on nitrates to the insurgents would be compelled to pay a second time to the Government. The first case coming under this decree is that of the German steamer *Romulus*, which loaded with nitrates at Pisagua and paid the duties to the insurgents. Being under contract to coal at Coronel, she put in there, and upon her arrival the Government collected the duties a second time under the provisions of the de-

cree. The German minister not only protested against this action on the part of the Chilian Government, but demanded an immediate restitution of the dues and an indemnity for the arrest and harsh treatment of some of the officers of the *Romulus*. I understand that this claim was immediately settled by the Chilian Government.

The decree referred to, which declares the northern ports closed but not blockaded, and authorizes a second collection of duties on cargoes that might subsequently enter a southern port, is, as I understand it, not warranted by the principles of international law, and from the telegram above quoted it will be seen that the German Government proposes to ignore it and prevent its execution, by force, if necessary. No similar case has occurred to any American vessel, inasmuch as any captain who had loaded with nitrates at a northern port has been too wise to enter a southern port and place himself in a position where a second payment of the duties could be demanded. Should, however, such a case occur, our minister at Santiago and the consular agents would be promptly advised of it.

It may be of interest to the Department to be informed as to the distribution and movements of the English squadron on this coast, under the command of Rear Admiral Hotham. The *Warspite* and *Espiegle* are at present at Valparaiso, but it is expected that the *Warspite* will shortly leave for Coquimbo. Capt. Musgrave, commanding the *Cleopatra* and the senior officer on the South Atlantic station, informs me under date of the 27th of March, that there is to be a change in the arrangements of the stations. Admiral Hotham's command will include the east and west coasts of South America as well as the North Pacific, with senior officers in command of those divisions, while Capt. Musgrave assumes command of the station on the west coast of Africa.

A German naval force, consisting of five ships, has been ordered to this coast from China, to come via the Sandwich Islands, and is expected to arrive about the 20th of June.

The French flagship *Dubourdieu* is at Panama, waiting for a new admiral to relieve Rear-Admiral de Premesnil. The *Volta* left on the 23d of April for the northern ports.

On the 24th of April I transferred my flag and personal staff to the *Baltimore*. This fact I have notified to the Department by telegraph. The arrival of the *Baltimore* on this station has attracted a great deal of attention.

On the 11th of April, I visited Santiago, with my personal staff, for the purpose of being presented officially to his excellency the President of Chile, and also of paying an official visit to the Hon. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States at Santiago de Chile. I was received in the most cordial manner by the President, Señor Don José Balmaceda, and given every assurance of the good feeling and esteem entertained by Chile towards the United States, and was also informed by the President that if there was anything I desired for my command or for myself the Government placed it entirely at my disposal.

Very respectfully,

W. P. McCANN,
Rear-Admiral U. S. Navy.

Mr. Tracy to Captain Remey.

[Telegram.]

May 8, 1891.

COMMANDING OFFICER

U. S. S. Charleston, San Francisco, Cal.:

Chilean insurgent steamer *Itata* sailed 6 p. m. Wednesday, from San Diego, course northwest, having dispossessed United States marshal, who had seized her for violation of neutrality laws.

Is supposed to be bound for some point, possibly San Clemente or Catalina Island, there to meet schooner *Robert and Minnie* and taking on board arms, to sail to Chile.

The *Robert and Minnie* left San Pedro Saturday night, and marshal has searched for her unsuccessfully.

Proceed at earliest moment in search of both vessels, and seize both if on high seas. If in foreign waters watch her and telegraph Department. If schooner is found alone put sufficient prize crew on board, send her to San Francisco, and continue pressing search for *Itata*. If *Itata* is found seize her and accompany her into port. If *Itata* is convoyed by Chilean war vessel explain circumstances and demand restoration to possession of United States. If demand refused, enforce it if your force is clearly sufficient; if not sufficient, follow *Itata* till you fall in with Admiral Brown, now at Callao, who has been ordered to intercept her.

TRACY.

[Similar instructions to *Omaha*, with directions to proceed after search to San Francisco.]

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT, May 9, 1891.

Mr. Tracy informs Admiral Brown, U. S. S. *San Francisco*, at Valparaiso, that the Chilean insurgent steamer *Itata* sailed Wednesday from Santiago, Cal., having dispossessed the United States marshal, who had seized her for a violation of the neutrality laws; that she is supposed to be armed with four cannon and to carry 100 men armed with repeating rifles; that it is her probable intention to trans-ship arms at sea from a schooner which left San Francisco and then sail for Chilean territory; that the U. S. S. *Charleston* has been sent in pursuit with orders to seize either or both. Admiral Brown is ordered to intercept the *Itata* and to send her with a sufficient prize crew to the United States, and that if the *Itata* is found in convoy of a Chilean man-of-war, the circumstances are to be explained and a demand made for restoration to the possession of the United States, and that if the demand is refused Admiral Brown is to enforce it if his force is clearly sufficient; if insufficient, he is to follow the *Itata* until the *Baltimore* or *Charleston* are met. He is advised that the *Baltimore* is now at Valparaiso and subject to his orders.

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT,

Washington, May 9, 1891. (Received at Valparaiso May 10.)

Mr. Tracy advises Admiral Brown that information is derived from a deserter that the Chilean cruiser *Esmeralda* accompanied the *Itata* to Cape St. Lucas, Lower California, and will await her there, to convey her to Iquique; that four of the *Esmeralda's* officers are stated to be now on board the *Itata* at San Diego.

Mr. Tracy to Capt. Remy.

[Telegram.]

MAY 9, 1891.

Mr. Tracy informs commanding officer of the *Charleston* that the *Esmeralda* is expected at Acapulco.

Rear-Admiral McCann to Mr. Tracy.

U. S. S. BALTIMORE,
Valparaiso, Chile, May 12, 1891.

SIR: Since my last report to the Department, dated 8th May, no military movements of any importance have taken place on the coast of Chile.

Minister Egan having informed me that he had initiated negotiations between the Chilean Government and the insurgents, looking towards peace and a settlement of the existing troubles, I wrote that I should be happy to coöperate with him in any way, either during or subsequent to the proposed conference, adding, "Please remember that we can move promptly from point to point, and are always ready." In answer to my letter, Mr. Egan wrote as follows:

"The preliminaries in the matter of the negotiations for the restoration of peace, of which I informed you on Wednesday, are now, after many difficulties regarding forms, formally and fully accepted by both parties. Those of England and Germany, which were only regularly tendered on Thursday, were declined. At the time I telegraphed to you it was thought that it might be necessary to communicate hurriedly with the revolutionary leaders in the north, and I expressed to the representatives of the Government, and to those of the revolution, my conviction that you would not hesitate to go as far as Huasco, which is the nearest point in direct telegraphic communication with Iquique, in order to expedite matters. I considered, from the great interest you manifested in this question, that I could say so much for you, and I am pleased to learn from your letter of this morning that my judgment was correct. The necessity for such communication does not, I believe, now exist, but the representatives of both parties, to whom I intimated the purport of your letters, have requested me to convey to you their cordial thanks for your kindness, which it affords me much pleasure to do."

The arbitrators were the United States, Brazilian, and French ministers. The British and German ministers had undertaken to arrange the peace negotiations, independent of the other diplomatic representatives, but their good offices were declined.

On the 6th of May, the adherents of the insurgent party at Santiago threw two dynamite bombs among the ministers and senators who were just returning from a session of Congress and were near the Moneda. One of the bombs exploded in front of these officials, but without injuring any of them. This outrage created a profound sensation among the officials and the populace at the capital, and violence was threatened the members of the Junta representing the insurgents, who had been under a safeguard from the Government while attending the peace negotiations. Mr. Egan, I am informed, succeeded, after much difficulty, in conveying these gentlemen to a place of safety. The result of this incident has been the breaking off of the peace negotiations.

On the evening of the 8th May, an attempt was made on the life of Señor Claudio Vicuña, presidential candidate of Chile. Two dynamite bombs were thrown into his house, one of which burst and did considerable damage, but fortunately no person was injured; the other failed to explode.

The detention by our Government of the steamer *Itata* at San Diego has very much gratified the Chilean Government, while the insurgents, on the other hand, are equally indignant. This vessel belonged to the "Compania Sud-Americana de Vapores," and had been seized by the insurgents at the outbreak of the revolution. The president and the secretary of the Compania Sud-Americana de Vapores have made affidavits before the United States consul at Valparaiso to the effect that the vessel had been forcibly seized by the insurgents, and was at San Diego for arms without their knowledge or consent.

On the 2d of May I received a letter from the consul at Iquique by H. M. S. *Daphne*, in which the consul repeated a telegram received by him from Rear-Admiral Brown, inquiring as to the whereabouts of the *Pensacola*, and saying, "the *San Francisco* is here, bound south;" but the consul having omitted the address of Admiral Brown, I am, consequently, in ignorance of the whereabouts of the *San Francisco*.

On the 6th of May the English flagship *Warspite* sailed for Coquimbo, and on the same date H. M. S. *Champion* arrived in port.

Mr. Egan called on me on Sunday, the 9th, and represented to me the importance of getting four of the members of the Junta out of the country and to neutral territory as soon as possible, not only to save their lives, which were in danger, but to avoid further complications, as the expirations of the safe conducts had been fixed for Wednesday the 13th of May and after that time they were liable to be shot, as had been threatened by Minister Godoy. Mr. Egan requested that I would take them as far as Callao, and to this I assented, provided that no other instructions should be, in the meantime, received from the Department, or that Rear-Admiral Brown had not arrived to relieve me in command of the station.

Having received on the 11th of May dispatches from the Department to Admiral Brown and myself relating to the affair of the *Itata*, I at once notified Mr. Egan that he would have to have extended the time of sending these insurgent commissioners out of the country, as the instructions of the Department would not admit of the use of either of the vessels for this purpose at this time. On the following day I received an answer: "I believe the proposed voyage will not be neces-

sary." The reason this matter was broken off was, as Mr. Egan informs me, that—

The Government would only consent to allow the opposition delegates to go on board the *Baltimore* upon receiving a promise that they would take no part in the revolutionary movement north, which promise none of these gentlemen would make. Upon this point the matter has been broken off and the delegates must now conceal themselves as best they can here in Santiago.

In the absence of Admiral Brown, and not knowing when to expect him, I opened the dispatches addressed to him, thinking that they might contain important information which would enable me to carry out the Department's wishes. The receipt of these telegrams was acknowledged on the 11th instant, informing the Department that the whereabouts of the *San Francisco* was yet unknown to me, and asking further instructions for myself until the arrival of Admiral Brown.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Mr. Tracy to Capt. Remey.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 12, 1891.

Mr. Tracy instructs Capt. Remey, at Acapulco, that if the *Itata* should not be there when he arrives with the *Charleston*, to try Panama and then watch off Arica, unless there are reasons for a different course.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

IQUIQUE, May 14, 1891.

Inclosed is a translation of a letter received, coming voluntarily after a personal interview with the writer. I did not open the subject. I believe the writer most trustworthy, and that all given pledges will be kept. Better in accordance with the views of the President, Cabinet, Congressional representatives at Iquique of the Provisional Government.

They are concentrating forces at Iquique. Definite operations at Valparaiso improbable for some time to come. Will not acknowledge receipt of letter without instructions. Iquique most important port now. The *Pensacola* could come here to be relieved.

IQUIQUE, May 13.

The Provisional Government has learned by the telegram of the Associated Press that the transport *Itata*, detained at San Diego, Cal., by order of the United States Government, for taking aboard munitions of war, and being in custody of the United States marshal left port carrying that officer, who was landed at a point upon the coast, and continued the voyage. The Government has ascertained nothing respecting any act of the *Itata* since San Diego. If the news be correct, this Government would deplore the conduct of the *Itata*, and as an evidence that it is not disposed to support or acknowledge an infraction of the United States laws, the subscriber takes advantage of the personal relation you have been good enough to maintain with him since your arrival, to declare to you that as soon as the *Itata* is

within reach of orders, this Government will place her, with munitions of war taken aboard at San Diego, at the disposition of the United States, through the worthy agency of yourself, in order that the United States laws, interrupted at San Diego, may follow their course.

I have the honor to subscribe myself, the Chilean minister of foreign affairs,
ISIDORO ERRAZURIZ.
BROWN.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
IQUIQUE, CHILE, May 15, 1891.

SIR: I have the honor to report that this ship reached here on the 10th instant, having left Callao on the evening of the 7th.

On my arrival here I received your cablegram of the 9th instant, repeated from Callao, which instructed me to wait further orders. But for this I should have continued on my way south until I fell in with Rear-Admiral McCann. I have acknowledged by cable the receipt of your instructions relative to the case of the *Itata*.

My future movements will depend on what I hear from you in reply to my cable report of the 14th instant, in which I sent the full text of a letter from the minister of foreign affairs of the Provisional Chilean Government bearing on the *Itata* case.

The naval and military force of the Congressionalist (insurgent) party is being concentrated here, with the exception of a considerable force at Caldera and Capiapo. This concentration is for the purpose of organization preparatory to further movements.

There are about 3,000 troops and several transports here. The insurgent men-of-war *Almirante Cochrane*, *Huascar*, *O'Higgins*, and *Abtao* come and go at frequent intervals. All transports are armed with machine guns and are under naval commanders.

The Provisional Government is established here, with Montt as the recognized President. Cabinet ministers are in full control of their several departments; a great many very prominent citizens, who were senators and members of the recently dissolved Congress at Santiago, are also here, and the courts of justice are in full operation.

But for the presence of the military in the streets there would be no evidence that war existed.

Business is very active, and there are about twenty merchant vessels in the harbor, all busy loading nitrate of soda. Only a few of the nitrate establishments in the interior have stopped operations.

The military force here are all volunteers, and for the present enlistments have ceased. It is said that 10,000 volunteers can be obtained in the interior when wanted. Two reasons are assigned why enlistments are not continued. One is that there is a scarcity of arms, and the other that it is not desirable to bring away from the nitrate works too many laborers, as on the export of this product depends the principal revenue of the insurgents, which is reported to be about \$1,250,000 per month.

I am, sir, very respectfully, etc.,

GEO. BROWN,
Rear Admiral, U. S. Navy,
Commanding U. S. Naval Force, Pacific Station.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, May 16, 1891.

Admiral McCann reports his arrival with the *Baltimore* at Iquique; that the *San Francisco* is there, and the *Pensacola* is due May 19 and the *Itata* about May 25. The surrender of the *Itata* has been verbally agreed to.

Capt. Remy to Mr. Tracy.

[Telegram.]

ACAPULCO, May 16, 1891.

Captain Remy reports his arrival with the *Charleston* at Acapulco on May 16th, and that nothing has been heard of the *Itata*. He states that the *Esmeralda* is at Acapulco for coal and needs it badly. He reports his intention of coaling and proceeding to Arica by way of Callao, unless orders are received to the contrary.

Capt. Remy to Mr. Tracy.

U. S. S. CHARLESTON,
Acapulco, Mexico, May 16, 1891.

SIR: I have the honor to report that I have received the Department's cipher telegram of the 8th instant, relative to the pursuit of the Chilean insurgent steamer *Itata*, etc., at 7:30 p. m. of the same date. The telegram was deciphered by midnight and the *Charleston* was under way the next morning at 4:45 a. m. The morning of the 10th was delayed some hours by fog in the vicinity of Point Conception. Passed near and scanned the islands of San Miguel, Santa Rosa, Santa Cruz, and Anacapa, and arrived at the anchorage off San Pedro at 8 p. m. of the 9th, where I found the *Omaha* and learned that the schooner *Robert and Minnie* was in the port and in possession of the United States authorities. The *Omaha* had visited the islands of Santa Catalina and San Clemente, which I purposed during the next day, but which was now rendered unnecessary.

After sending the following telegram—

U. S. S. CHARLESTON,
San Pedro, Cal., May 10, 1891.

SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.:

Arrived 8 p. m. Schooner *Robert and Minnie* is in this port seized by the United States marshal. *Itata* reported to have gone to Hawaiian Islands and also to Chile. *Omaha* here. Have read telegrams to her commanding officer. Shall I proceed to Acapulco? Answer.

REMY, Commanding.

and having seen the telegram to the commanding officer of the *Omaha* that the *Esmeralda* was expected at Acapulco, I decided to sail at daylight for this port, hoping to head off the *Itata* there. I left the follow-

ing telegram with the commanding officer of the *Omaha* to be sent: "Sail for Acapulco this morning." The report that the *Itata* had sailed for Hawaii was sent that the Department, if they deemed proper, might send word to the *Iroquois* by next steamer to keep a lookout for her.

Arrived in this harbor at 6 a. m., having passed the *Esmeralda* at 4 a. m., about 20 miles off the port lying dead in the water. The *Esmeralda* came into port about two hours after us. She wants 600 tons of coal, and we have commenced to take in 400 tons. The Government at the City of Mexico have prohibited the coaling of the *Esmeralda*, but it is thought that the prohibition will be withdrawn.

As soon as coaled it is my purpose to steer for Callao, Peru, fill up with coal, and get into communication with Admiral Brown. After reflection I have decided on this course as offering the best chances of intercepting the *Itata*. Opinions here are that the *Itata* has gone south, that the *Esmeralda*, if convoying her, will not give the vessel up without a fight.

Department's telegram of the 12th instant to the American consul here received.

At the best, nothing is known of the movements of the *Itata*, except by surmise.

Very respectfully,

GEO. C. REMEY,
Captain, U. S. Navy.

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 16, 1891.

ADMIRAL BROWN,

Steamer San Francisco, Iquique, Chile:

Your telegram of May 14, containing letter of May 13, from Provisional Government, has been read to the President. The President is gratified to hear that those for whom *Itata* acted disapprove of her conduct. You are at liberty to state, unofficially and informally, that if the *Itata* is restored to the custody of the United States marshal, with the arms and munitions of war received from the schooner *Robert and Minnie*, it will relieve entirely the present situation. If *Itata* is found in the territorial waters of any Government except Chile do not seize, but watch and telegraph Department. Answer.

TRACY.

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 16, 1891.

Mr. Tracy advises Admiral Brown, U. S. S. *San Francisco*, at Iquique, Chile, that the *Charleston* arrived at Acapulco on the 16th instant, also the *Esmeralda*, and nothing had been heard of the *Itata*.

Mr. Tracy to Capt. Remey.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 17, 1891.

Mr. Tracy informs Capt. Remey, U. S. S. *Charleston*, at Acapulco, that advices have been received from Iquique of the proposed return of the *Itata* to San Diego, and that as the *Esmeralda* may have such an order to give to the *Itata* the *Charleston* is to follow the *Esmeralda*, and under no circumstances to permit a transfer of arms or munitions of war from the *Itata*, if he has sufficient force to prevent it.

[NOTE.—The *Charleston* left Acapulco before the arrival of the above.]

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 17, 1891.

Mr. Tracy advises Admiral McCann, at Iquique, Chile, that Capt. Remey, U. S. S. *Charleston*, has been advised at Acapulco of the proposal to return the *Itata* to San Diego, and that the *Esmeralda* may have instructions regarding it; the *Charleston* is therefore ordered to follow the *Esmeralda*, and under no circumstances to allow a transfer of arms from the *Itata*. Admiral McCann is ordered to watch all points and not to leave the waters of northern Chile with the *Pensacola* until the return of the *Itata* is definitely assured. He is informed that the *Charleston* has been instructed to obey his orders.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

IQUIQUE, CHILE, May 18, 1891.

SECRETARY NAVY:

I have the written assurance of the provisional minister of foreign affairs that *Itata* shall be restored to the custody of marshal at San Diego, Cal., with everything removed from schooner named. Hopes are entertained of a peaceful settlement. The restoration as I may direct. Unless I receive orders to the contrary, I shall consider revoked the order to chase and seize the vessel. Conferring with Commodore McCann.

BROWN.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

MAY 18, 1891.

Admiral McCANN,

Steamer Baltimore, Iquique, Chile:

Must be careful not to recognize, under any circumstances, insurgents. Department expects you will see that *Itata* is returned to custody of court at San Diego, Cal., with everything aboard. The method and manner of return are left to your discretion. *Charleston* coaled at Acapulco, and left immediately, going south. Will stop probably at Panama. You should be informed where *Itata* is expected.

Brown's telegram received.

TRACY.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, May 19, 1891.

SECRETARY NAVY:

Telegram of 17th May received. Provisional Government promises immediately to inform captain of the *Esmeralda* of its agreement to restore *Itata* and arms to marshal at San Diego, and to order the captain to carry out this agreement. They have telegraphed their agent at Panama to notify captain of the *Esmeralda* that he can get coal at Panama. Authorities here state that they are absolutely ignorant of the whereabouts of the *Itata*, but they expect to be informed to-day. As soon as this information is obtained I will telegraph it.

MCCANN.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, May 20, 1891.

SECRETARY NAVY:

Your telegram of May 18 is received. Provisional Government telegraphed captain of *Esmeralda* to make restitution of the *Itata* to the authorities of San Diego, with arms taken aboard from the schooner, but the President of Mexico has ordered Government lines to refuse messages to or from *Esmeralda*. If message sent by authorities here can be delivered to *Esmeralda*, *Itata* may not have to come to this coast, and her whereabouts may be ascertained.

MCCANN.

Mr. Tracy to Captain Remy.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 20, 1891.

Mr. Tracy orders Captain Remy, U. S. S. *Charleston*, at Panama, to await further instructions.

[NOTE.—Not delivered.]

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,

Washington, May 20, 1891.

Mr. Tracy cautions Admiral McCann, at Iquique, that all correspondence and official acts must proceed on the principle that the United States has not recognized those engaged in hostility against Chile as a government or even as belligerents. The attitude of impartiality defined in first instructions is to be maintained, but the laws of the United States and the authority of its courts must be respected.

Mr. Tracy to Capt. Remy.

[Telegram.]

NAVY DEPARTMENT,

Washington, May 21, 1891.

Mr. Tracy revokes the orders of Capt. Remy, at Panama, to seize the *Itata*. He is to notify her that Señor Errazuriz, the leader of the insurgents at Iquique, has promised to deliver her to the United States with the arms taken from the schooner, and that if so delivered to the *Charleston*, Capt. Remy will report at once, also notifying Rear-Admiral McCann at Iquique. Captain Remy is instructed that if the captain of the *Itata* should decline to deliver her, he is to remain in company and prevent any transfer of arms.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,

Washington, May 21, 1891.

Mr. Tracy instructs Admiral McCann at Iquique that the *Charleston* left Acapulco on the 17th instant, intending to touch at Callao on her way to Arica, and possibly at Panama. The Department has notified her both at Callao and Panama of the arrangement at Iquique to return the *Itata*, and directs the *Charleston* to remain in company with the *Itata* and prevent any transfer of arms, but that the order to seize her is revoked. A report comes from the Congressional agents in Paris that the ship only is to be given up, and not the arms. This is contrary to promises as reported, and Admiral McCann is instructed to be on guard against such a breach of faith.

Mr. Tracy to Rear-Admiral McCann.

NAVY DEPARTMENT,
Washington, May 21, 1891.

Mr. Tracy advised Admiral McCann at Iquique that the question of a recognition of the belligerent rights of the insurgents may arise at any time and directs him to report all information bearing on this question. The American consul at Acapulco reports that officers of the *Esmeralda* say that the *Itata* trouble is settled.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, *May 22, 1891.*

Admiral McCann acknowledges receipt of the Department's telegram of May 20, and that its tenor is understood. He states that he has sent no communication written or verbal to the insurgents, that he has not recognized them as invested with the rights of belligerents or as a government, and that he has maintained the strictest impartiality. The insurgents promise that if the *Itata* comes within their control she will be ordered to Iquique, but that she will probably be in convoy of the *Esmeralda*.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, *May 22, 1891.*

Admiral McCann reports receipt of the Department's telegram of May 22. He states that he is informed by the insurgent authorities that their agents in Paris are not authorized to say that the *Itata* only will be surrendered; that all fortified ports under their control have been notified that if the *Itata* touches at any of them that she is to come to Iquique without landing an article of any kind, and that if there is any danger of the *Itata* being captured by Chilean Government vessels they will request him to convoy her to Iquique. He believes that the insurgents are acting in good faith. *Pensacola* starts for Arica to-morrow.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 23, 1891.

Mr. Tracy informs Admiral McCann, at Iquique, that the telegram about nonrecognition of insurgents was merely cautionary, and that his action so far is fully approved.

Rear-Admiral McCann to Mr. Tracy.

U. S. S. BALTIMORE,
Iquique, Chile, May 25, 1891.

SIR: I have to report to the Department that, upon the receipt of its telegraphic instructions of the 11th instant, relating to the *Itata* affair, I telegraphed to Capt. Kautz, at Talcahuano, to return with the *Pensacola* to Valparaiso, coal ship, and to follow me with all possible dispatch to Iquique.

Arriving at Iquique on the forenoon of the 16th instant, I was informed by Rear-Admiral Brown, on board the *San Francisco*, that he was in communication with the insurgent leaders at this port, and that Capt. Montt and Señor Errazuriz had expressed the deepest regret at the violation of the neutrality laws by the officer commanding the steamer *Itata* while in the port of San Diego, Cal., and that they had made an agreement for the settlement of the difficulty on the basis of the return at once of both the vessel and the arms to the custody of the United States marshal at San Diego. These facts were reported by telegraph when I received further instructions relating to the movements of the *Charleston* and the *Esmeralda*, and to the arrest of the steamer *Itata*.

Admiral Brown read me all the correspondence relating to this affair, and also handed me the Department's orders of March 26 directing him to relieve me of the command of that part of the Pacific station south of Guayaquil, and that I should return to Montevideo in the *Pensacola* and resume command of the South Atlantic station. These instructions, however, were modified by the Department's order of the 17th instant, placing the *Charleston* temporarily under my orders and directing me not to leave the waters of northern Chile with the *Pensacola* until the return of the *Itata* had been definitely assured.

On the 19th May, in company with Admiral Brown, I called informally upon the insurgent leaders, Capt. Montt and Señor Errazuriz. The latter I found much agitated and perplexed at the situation of affairs, and expressing the greatest anxiety to comply with the demand of the United States Government for the return of the *Itata* and arms to the possession of the United States marshal at San Diego. He exhibited copies of his telegrams to the captain of the *Esmeralda* and to their agent, Mr. Trumbull, informing them of their desire to surrender the vessel and arms and directing them to comply with the demand; also the copy of a telegram to him (Señor Errazuriz), saying that the President of Mexico had declined to permit the captain of the *Esmeralda* to receive or send over Government lines any telegrams while in a Mexican port. Furthermore, that a supply of coal should not be furnished that vessel, but only such supplies (provisions) as humanity demanded.

The result of these decisions of the Mexican Government was to defeat, for the time, my efforts to ascertain the whereabouts of the *Itata*, so that orders might reach the commander of that vessel and thus effect her surrender without coming to this coast. She had sailed from San Diego on the 6th, or, as Mr. Trumbull telegraphed to the authorities here, "*Itata* sailed with arms, May 8th," presumably for the rendezvous, where she would be joined by the *Esmeralda* and convoyed to Iquique. These facts were duly communicated to the Department by cable. All the Department's instructions relating to this matter, received between the dates of the 17th and 25th of May, have been understood and answered.

There have been no military or naval operations of importance in the

northern provinces recently. Admiral Hotham, who keeps himself well informed concerning events by his cruisers moving up and down the coast, writing from Coquimbo on the 13th instant, informed me that all the revolutionary squadron had gone north from Caldera, and that only 700 or 800 men were left to garrison Caldera and Copiapo; that the *Huascar* had grounded in Caldera Bay during the night, but had succeeded in getting afloat again. Since the loss of the *Blanco Encalada* most of the insurgent forces are concentrating about the nitrate ports.

There is little or no probability of a demonstration by water against Valparaiso or other southern port by the revolutionary fleet, as I have previously reported to the Department, but on the contrary, the Government torpedo cruisers *Almirante Lynch* and *Almirante Condell* and the armed transport *Imperial* keep the insurgent vessels in motion and the nitrate ports in a constant state of alarm by threatening attacks.

Early on the morning of the 17th of May, the *Condell* appeared off this port, overhauled a vessel in the offing, and cruised about for some time, when the *Almirante Cochrane*, which had returned to the anchorage, after cruising outside all night, got up steam, and went in pursuit, soon after which the *Condell* appeared off Pisagua, where two gunboats also joined in the pursuit.

Again, on the 19th, the *Imperial* appeared off this port just before dark and opened a rapid fire. The object of the firing could not be discovered, as no other vessels were in sight in the offing. The *Cochrane* and the gunboat *O'Higgins* stood out towards the *Imperial*, after which firing was again heard until a late hour, but with what results could not be learned. Just before these vessels went in pursuit of the *Imperial*, about 6:15 p. m., one of their torpedo launches between the *O'Higgins* and this ship, but nearer the former, was accidentally blown up by its own torpedo and sank immediately, drowning two and mortally wounding four of her crew of eight men. One of the dead bodies was brought alongside of the *Baltimore* in a gig and was soon after sent on shore.

The *Condell* attacked Taltal on the 21st, burning the Government building and the custom-house; on the 25th the *Cochrane*, *Magellanes*, *Amazonas*, and a small collier left Iquique and stood to the southward, to protect that locality. The speed of the *Condell* and *Imperial* is such that they easily elude pursuit and may turn up most unexpectedly at any port.

The *Pensacola* arrived at Iquique on the morning of the 20th of May, four days from Valparaiso, and on the 22d she was ordered to coal and proceed to Arica. Instructions were given to Captain Kautz for his guidance in the event of the *Itata* arriving at that port; also orders to place himself in communication with Captain Remy when he arrived in that port with the *Charleston*.

Both the Chilean Government and the insurgent vessels are visiting and searching neutral vessels plying on the coast. Lieut. Commander Hanford, who was a passenger on the P. S. N. steamer *Puno*, writing from Ilo, Peru, on the 5th of May, states that the steamer, while 70 miles south of Ilo, fell in with the *Imperial*, which pursued the *Puno*, fired three shots, and compelled her to heave-to, when she was visited by a commander and sublieutenant of the Navy and two Army officers. The cabin passengers were called to the saloon and their passports examined and the ship searched for stowaways. The object of these visits appears to be to prevent the escape of political refugees, and also to prevent vessels going to Iquique with provisions, arms, etc.

In conclusion, I beg leave to state that the accounts of military and naval operations published in the American and English journals, are in the main either sensational, gross exaggerations, or false.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, *Mag 27, 1891.*

Admiral McCann reports that on the 26th, in the course of conversation with the insurgent authorities, he had suggested a proposal for a truce extending beyond the term of Mr. Balmaceda, and thereafter negotiations for peace could be resumed. He states that the insurgent authorities thanked him for the suggestion, and to-day authorized him to ask the Government of the United States to direct the Minister Plenipotentiary of the United States at Santiago to suggest to the Balmaceda Government and the Congressional party at Iquique a truce of four months, which would give mediators an opportunity to reopen negotiations for peace. The insurgent authorities do not wish it to be understood that this suggestion comes from them, as it might be taken as an evidence of weakness.

Capt. Remey to Mr. Tracy.

[Telegram.]

CALLAO, *May 27, 1891.*

Capt. Remey reports his arrival at Callao and that the *Itata's* movements are unknown. After coaling he will proceed to Arica. He acknowledges receipt of telegram of the 22d instant.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 27, 1891.

Mr. Tracy informs Admiral McCann at Iquique of the arrival of the *Charleston* at Callao on the 27th instant, and that after coaling she will go to Arica, and that orders have been issued to the commander of the *Charleston* to report to him for duty.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, May 29, 1891.

Admiral McCann reports that he is informed by the authorities at Iquique that the *Esmeralda* having coaled has left Acapulco, and that she has the arms from the *Itata*; also that Bolivia has recognized the belligerent rights of the insurgents.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 29, 1891.

The Department inquires of Admiral McCann at Iquique if the *Esmeralda* has orders to surrender the arms, and if so, where, and that the *Esmeralda's* officers report the *Itata* having gone to Melbourne.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,
Washington, May 29, 1891.

Mr. Tracy instructs Admiral McCann at Iquique that the *Itata* must be returned to San Diego with the arms and munitions of war as received from the *Robert and Minnie*, and assumes and expects from his reports that this will be done. If there is any reason to expect that it will not be done he is to report at once.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, May 31, 1891.

Admiral McCann reports that the commander of the *Esmeralda* has orders to surrender the arms received from the *Itata* or schooner, and that this order will be repeated, and that not an article will be landed until arrangements are made for their surrender at San Diego. If the *Itata* has gone to Melbourne as reported, she will be ordered back to San Diego. Cocos Islands, North Pacific, have been suggested by the authorities here as a rendezvous for the two vessels.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 1, 1891.

Admiral McCann reports that a telegram of May 30 has been received by the insurgent authorities here announcing the arrival of the *Esmeralda* at San José de Guatemala, and that an order had been sent to her commander that the cargo taken by the *Itata* from the schooner must be returned to San Diego and in the *Itata* as agreed upon. Also that a telegram supposed to be from the commander of the *Itata* has been received to the effect that he had communicated with the *Esmeralda* and requesting an answer at Panama. Orders have been sent to agent at Panama to detain both vessels until further instructions.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,

Washington, June 2, 1891.

Mr. Tracy suggests to Admiral McCann at Iquique to send the *Charleston* to Panama to convoy the *Itata* to San Diego, unless there are reasons to the contrary, and instructs him to report at once the arrangements for her delivery.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,

Washington, June 3, 1891.

Mr. Tracy advises Admiral McCann, at Iquique, that the Department's telegram of the 2d instant is not intended to interfere with his decision as to the *Charleston*.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,

Washington, June 3, 1891.

The Department expresses its great satisfaction to Admiral McCann, at Iquique, of the assurances received of the surrender of the *Itata* with munitions of war. The continuance of the troubles in Chile is greatly deplored, and the suggestions in telegram of May 27 are being carefully considered, and as soon as a decision has been reached Admiral McCann will be informed.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 4, 1891.

The *Itata* arrived at Iquique, Chile, from Tocopilla last night, and was placed at my disposition this morning. She has aboard 5,000 rifles and ammunition taken from the *Robert and Minnie* at the port of San Diego, Cal.* She has no other arms except those belonging to the ship, and transferred none to the *Esmeralda*. Communicated with her off Acapulco, Mexico. Came direct to Tocopilla. Will report when arrangements are completed for her return. *Charleston* arrived to-day. *Pen-sacola* is expected to arrive to-day.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 5, 1891.

Admiral McCann reports that since the dispatch of Mr. Errazuriz to the Secretary of State of June 5, he has accepted the proofs that the arms were received by the *Itata* at San Clemente Island and that the arms will go with the ship to San Diego.

Mr. Tracy to Rear-Admiral McCann.

[Telegram.]

NAVY DEPARTMENT,

Washington, June 8, 1891.

Mr. Tracy acknowledges the receipt of the telegram of June 5, and instructs Admiral McCann at Iquique that the arms must go with the *Itata* to San Diego, otherwise the court would not have jurisdiction.

Real-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 9, 1891.

Admiral McCann reports that the *Itata* will start for San Diego in six days and that the arms will go with the ship; her machinery is under repair.

Rear-Admiral McCann to Mr. Tracy.

U. S. S. BALTIMORE,

Iquique, Chile, 12th June, 1891.

SIR: I have to inform the Department that on the 6th instant I received a communication from the Hon. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States at Santiago,

* Corrected by telegram of June 5 to read "San Clemente Island, North Pacific," instead of San Diego, Cal.

Chile, dated 2d June, relating to the reopening of negotiations for peace and the suggestions for a truce between the insurgents and the Chilean Government; also requesting me to endeavor to obtain from the insurgent authorities some definite propositions which may serve as a basis for negotiations.

This request I complied with immediately, and on the 10th received a declaration, the translation of which is herewith inclosed.* This declaration I am requested by the Junta to transmit to the Department of State at Washington, in reply to its friendly question as to their opinions of the means necessary to terminate the present conflict.

I have to regret that in my note to Señor Errazuriz I incautiously quoted too freely from Mr. Egan's letter to me, especially that part in which he expresses the opinion that "the Government at Santiago can not be disturbed." The consequences of this inadvertence on my part will be observed in the declaration of Señor Errazuriz.

A copy of the declaration has been transmitted to Mr. Egan.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Rear-Admiral McCann to Mr. Tracy.

U. S. S. BALTIMORE,
Iquique, Chile, June 13, 1891.

SIR: Confirming my telegram of the 4th instant, I have to report to the Department that the Chilean insurgent transport *Itata* arrived at Iquique from the port of Tocopilla on the night of June 3, and on the following morning Captain Montt, the recognized chief of the insurgents, sent an aid on board the *Baltimore* to say that the *Itata* was placed at my disposition. Hearing from Señor Errazuriz of the arrival of this vessel at Tocopilla the previous evening and that she was ordered to come immediately to this port, I ordered the *Charleston* from Arica to Iquique; she arrived on the morning of the 4th. I also recalled the *Pensacola* from Arica, and she arrived on the forenoon of the 5th. On the previous day, however, I directed Capt. Schley to go on board the transport, ascertain from what port she had sailed, the character of her cargo, present condition, etc. He returned with the information that the *Itata* had sailed from San Diego, Cal., on May 6, communicated with the insurgent cruiser *Esmeralda* off Acapulco, Mexico, but had not transferred any arms or ammunition to that vessel. Did not touch anywhere until her arrival at Tocopilla on June 3. Her military commandant is Miguel Tejeda, capitan de corbeta, and her sailing master Peter Mannsen. She has on board 5,000 stand of arms—Remington and Lee-Magazine rifles, and about 2,000,000 cartridges obtained in the United States. The ship steams only about seven knots an hour (in consequence of the bad condition of engines and boilers), consuming 30 tons of coal per day. Her captain stated that her shaft is much out of line and that he has but little coal remaining.

It was subsequently learned from her officers and crew that the arms and munitions she had on board were transshipped from the schooner *Robert and Minnie* at the southeast anchorage of the island of San Clemente.

* For inclosure, see correspondence Department of State.

Lient. Dunn was directed to ascertain the number of arms and amount of ammunition on board the transport. A copy of his report, marked A, is herewith inclosed. Chief Engineer Robert Potts and Passed Assistant Engineer Howell inspected the machinery and boilers of the *Itata*, and reported them in unserviceable condition, and estimated that six days' work would be required to make the necessary repairs to fit her for sea.

Capt. Tejeda came on board and reported that his engineer estimated that twenty days' work would be required to repair the machinery, and that the engineers of Iquique estimated the time for the same work at twenty-five days. Passed Assistant Engineer Hollis thought the ship could be made ready for sea in six days. There was evidently an intention on the part of the *Itata's* engineers and those on shore to delay the repairs. I thereupon called on Señor Errazuriz to ascertain if orders had been or would be given to prepare the ship for sea as expeditiously as practicable, as the unfriendly and bitter feeling of the insurgents had been excited in consequence of the agreement to surrender the arms and ammunition.

Señor Errazuriz also desired further delay, stating that the agreement was to surrender only the arms that were shipped at San Diego, and that those on board the *Itata* were transhipped from the schooner to that vessel on the high seas, 40 miles from land, and that he would telegraph to Mr. Blaine to reconsider the hardship of the situation, etc.

I then addressed a letter to Señor Errazuriz, in which I stated that—

In compliance with the request contained in your note of the 4th instant, I have sent an officer on board the transport *Itata* to investigate the circumstances attending the transshipment of arms and munitions from the schooner *Robert and Minnie* to the transport *Itata*.

The result of this inquiry was to the effect that the transshipment of arms did not take place at San Diego, Cal., but at the southeast anchorage of the island of San Clemente, one of the group of the Santa Barbara islands, within the territory of the United States. This fact is well known to the authorities at Washington.

I have no authority to discuss the international aspect of this question, but I beg to observe that the act of the *Itata* in procuring arms, etc., in waters under the jurisdiction of the United States leaves no doubt whatever of the violation of laws of neutrality by that vessel.

Señor Errazuriz replied that he had nothing further to say and that orders would be given to Capt. Tejeda to prepare the ship for sea.

On the 8th June I addressed the following letter to Señor Errazuriz, viz:

I beg leave to inform you that Commander Tejeda not having called on me to make the arrangements for the repairs to the machinery of the transport *Itata*, as I was lead to believe he would from Admiral Brown's interview with yourself, I have therefore directed that an engineer force be sent on board, in charge of Past Assistant Engineer Hollis, for the purpose of facilitating the work.

This officer having reported that the necessary repairs will be completed by the 13th instant, I would most respectfully request that instructions may be issued to provide the crew and sufficient fuel and stores by that date to properly fit the vessel for the voyage to and from the port of San Diego, Cal.

As requested, I will detail one of the vessels under my command to convoy the transport to a safe distance from the coast of Chile, to prevent molestation by the enemy's cruisers.

Believing that the legal proceedings of the United States district court in this case will occupy but a short time and that it is in accordance with the agreement, I request that the *Itata's* proper officers, Commander Miguel Tejeda and Sailing Master Peter Mannsen, return with the transport. This will much facilitate the examination by the court, and, I trust, speedily terminate a most unfortunate incident.

Capt. Tejeda then came on board with a message from Señor Errazuriz, protesting that they were acting in good faith in this matter

and requesting that I "soften the tone of the note" about sending the engineer force to the *Itata*, and that Capt. Tejeda had not called, etc.

Complying with his request, I addressed him the following note:

Referring to my letter of the 8th instant, in which I had the honor to state that Capt. Tejeda, not having called to make arrangements for the repairs to the machinery of the transport *Itata*, as I was led to believe he would from Admiral Brown's interview with yourself, I beg to state that after my note was written I learned from Capt. Schley that Capt. Tejeda had called upon that business previous to the time referred to without my knowledge.

I have full confidence in Capt. Tejeda's desire to carry out your wishes in the matter.

An engineer's force was then detailed from the *San Francisco* and *Baltimore* under the direction of Passed Assistant Engineer Hollis who repaired the machinery and boilers of the *Itata*.

The authorities here had the ship coaled and provisioned and otherwise fitted for sea, and it was decided that she should sail under convoy of the *Charleston* at 8 p. m. Saturday, the 13th.

I directed Capt. Remy to place a number of officers and men from his vessel on board the transport for the purpose of assisting him to protect that vessel and to keep up communication with the *Charleston* while at sea.

A copy of Capt. Remy's orders is herewith inclosed.

I take great pleasure in bringing to the favorable notice of the Department the work done by Passed Assistant Engineer Ira N. Hollis in connection with the *Itata*. Having volunteered to do the work, he was untiring in his efforts to complete it, working late at night, and finally finishing everything before the time thought possible by the engineers who had inspected the vessel. Associated with him, and also deserving full credit for a similar spirit shown by them, were Assistant Engineers G. R. Salisbury and W. W. Bush. To these three gentlemen is due the credit that the vessel was prepared for sea without delay.

In conclusion, it gives me much pleasure to say that Rear-Admiral Brown and myself have been in consultation and acting in entire harmony in our efforts to accomplish the Department's wishes in returning the *Itata* and arms to San Diego.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

U. S. S. BALTIMORE,
Iquique, Chile, June 10, 1891.

Capt. GEORGE C. REMY, U. S. Navy,
Commanding U. S. S. *Charleston*:

SIR: Upon the completion of the repairs to the Chilean transport *Itata*, and when she has her fuel and stores on board, you will please convoy her with the U. S. S. *Charleston* to the port of San Diego, Cal., where you will deliver her to the custody of the United States district court.

You will place a sufficient number of officers and enlisted men of the *Charleston* on board the *Itata* to insure her safety, to look after the cargo, and to maintain communication between the two vessels while at sea.

I would suggest that a rendezvous be agreed upon with her commander in the event of being separated by thick or foggy weather.

Prevent, with force if necessary, any molestation or interference with the *Itata*, either by the enemy's cruisers or insurgent vessels.

You are aware of the circumstances under which the *Itata* fled from the port of San Diego after having dispossessed the United States marshal who had seized her for violation of neutrality laws, and of the subsequent taking on board arms and ammunition from the schooner *Robert and Minnie* at the southeast anchorage at the island of San Clemente.

In accordance with an agreement had with the insurgent authorities at Iquique the vessel was placed at my disposition on the 3d instant for the purpose of returning her to the jurisdiction of the United States court.

In touching at foreign ports for fuel or supplies, as you may decide, endeavor to avoid complications with the authorities in consequence of the *Itata* being under the Chilean flag.

Communicate with the Department by telegraph, from any intermediate ports at which you may call, and upon arrival at San Diego report to the Department and await further instructions.

Capt. Miguel Tejada, of the Chilean navy, military commandant, and Peter Mannsen, sailing master, are directed to return in the vessel.

There are 5,000 stand of arms, Lee magazines and Remington rifles, and about 2,000,000 cartridges on board.

I shall rely entirely upon your good judgment and discretion in carrying out the views of the Department in the execution of the above orders.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

A.

[Inclosure.]

U. S. S. BALTIMORE,
Iquique, Chile, June 5, 1891.

SIR: I have the honor to report that in obedience to orders I inspected the *Itata* on the 4th instant, and found arms and ammunition on board of her as hereinafter described. On the main cargo deck abaft the hatches are stowed 2,000 cases of rifle ammunition, .43 caliber, each case containing 1,000 rounds, making in all 2,000,000 rounds. On the outside top of each case is marked—

U. M. C.
1000

433

11 m'm. C. F.

No. —

Inside the cases the cartridges are packed in paper boxes of 20 each, marked on top—

U. M. C.
Central fire military cartridges,
.43 Spanish.
Union Metallic Cartridge Co.,
Bridgeport, Conn., U. S. A.

Immediately abaft the ammunition are stowed the arms, of which there are two kinds, packed in cases of 20 each. One kind is marked on top of each case—

Remington Arms Company,
10 Maiden Lane, New York.

G. A. B.
C. A. L.

On end of each case is marked:

Spanish Model.
Angular Bayonets.
Remington System.
Cal. 11 mil.
Met. Cartridge.

The second kind is marked on top of each case:

G. A. B.
C. A. L.

On each end of case is marked:

Lee Magazine Rifle.
N. B.
Cal. 11 mil. Met. Cartridge.

As near as I could count there were 250 cases of arms, 20 in each case, making a total of 5,000 arms.

The arms were all stowed neatly and securely in the cases with their appurtenances, and in good condition.

The remainder of the cargo, deck and hold, showed evidence of having been filled with coal.

Very respectfully, etc.,

H. O. DUNN,
Lieutenant, U. S. Navy.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 14, 1891.

Admiral McCann reports that the *Charleston* left on the 13th for San Diego, conveying the *Itata*, and that they may be expected at Acapulco in about two weeks.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 14, 1891.

Admiral McCann reports that he has been requested by Mr. Egan to obtain from the Congressional leaders at Iquique some concrete proposition which would serve as a basis for negotiations for peace, under instructions from the Secretary of State that the President desired to ascertain if the good offices of our Government could be employed to terminate the conflict in Chile, and that Mr. Egan believed that the best way is to negotiate directly with the leaders of the opposition at the north. In accordance with these instructions, overtures were made on June 10, and an answer was received from the opposition to the effect that they would gladly accept the intervention of the United States and would listen with interest and courtesy to any pacific proposition from Mr. Balmaceda. The Junta request that this declaration may be transmitted to the Secretary of State. A copy has been forwarded by the *Charleston*, as also one to Mr. Egan at Santiago.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

IQUIQUE, June 15, 1891.

Admiral McCann considers that it is advisable to withdraw the United States vessels from Iquique, and that no interests will be thereby endangered, Admiral Brown concurring. He reports that he will sail for Callao on June 18, and the *San Francisco* will visit northern Chilean ports unless orders are received to the contrary.

Rear Admiral McCann to Mr. Tracy.

U. S. S. BALTIMORE, Callao, Peru, June 22, 1891.

SIR: As previously reported by telegraph to the Department, the *Baltimore* arrived at this port on the forenoon of the 20th, two days from Iquique.

Passing into the bay we found the Chilean cruiser *Esmeralda* in the outer road of Callao; she was standing back and forth under easy steam, and on our approach saluted my flag, and soon afterward disappeared to the southward. She sailed from Panama on the 11th, arrived

at the Lobos Islands on the 16th, when she drove away the vessels waiting for guano, blew up the mole, destroyed the shipping gear, captured the crews of several vessels, and seized the Government steam tender *Huelmul*, which she sent with a prize crew to Callao.

The *Esmeralda* arrived at this port on the morning of the 18th, when the Peruvian authorities notified her commander that she must leave within twenty-four hours. The commander claimed, however, that she required coal and provisions. She received rations for 250 men and two head of beef, but no coal, and then left the harbor. It was stated that the captain, Silva Palma, requested permission to dock his vessel at Callao, and that the request was not granted.

Since the occupation of Caldera and Copiapo, on the 21st April, by the insurgent forces, no military movement of importance has occurred either in Atacama or in the southern provinces. In fact the outlook for the opposition party, at the time of our leaving the coast, was not encouraging, an aggressive movement on their part being highly improbable in consequence of their possessing an inadequate naval force. Their army, however, has been increased to about 5,000 or 6,000 men, and is gradually being better armed and equipped than formerly. On the other hand, the Government army, much superior in numbers to that of the insurgents, appears to be equally powerless for offensive operations in the northern provinces, for the want of a coöperating naval force and transportation. In addition to these difficulties, the great distance separating the belligerents and an absence of military leaders of ability on either side bids fair to prolong the revolution indefinitely.

Referring to my telegram of the 15th, in which the withdrawal of our vessels from Iquique was suggested, I would add that the affair of sending the arms with the *Itata* very naturally had excited an unfriendly feeling against our Government and people on the part of the insurgents and their sympathizers, as they regarded that act as humiliating. It was in deference to this sentiment, and at the request of Señor Errazuriz, that the *Charleston* and the *Itata* were ordered to take their departure at night and not by daylight. Besides, there had been complaints on the part of the Government naval officers that the presence of our ships in front of Iquique had interfered with military operations. There was probably some ground for this complaint, as on the occasion of the demonstration by the torpedo cruisers *Lynch* and *Condell* and the transport *Imperial*, on the afternoon of April 2, the *Huascar* and *Abtao*, in standing out to attack the *Condell*, for a time kept between that vessel and our line of ships, when a few of her shots fell between the *Abtao* and the *Baltimore*.

I did not, however, consider this engagement, at a ridiculously long range, would have led to a bombardment of the town, or I would have promptly interposed one of the cruisers until due notice of their intention had been given.

On the following day the *Cochrane*, *Magellanes*, and transport *Amazones* arrived from the south, the latter landing at Iquique about 2,200 troops, coming, it was learned, from Caldera.

On the 12th, the torpedo cruisers and the *Imperial* were bombarding—at very long range—Tocopilla and Antofagasta, after which they returned to Valparaiso. The only effect of the demonstrations of these cruisers has been to harass the garrisons of the towns and the crews of the insurgent vessels, and to embitter their hostility and hatred.

Very respectfully,

W. P. McCANN,
Rear Admiral, U. S. Navy.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Coquimbo, Chile, July 3, 1891.

SIR: I have the honor to report the arrival of this ship at this place on the 28th ultimo.

On June 18th, Rear-Admiral McCann left Iquique for Callao, Peru, in the *Baltimore*.

Since that date, I have visited Arica, Pisagua, Antofagasta, and Caldera, and at each of those places I found the Congressionalists, or Insurgents, in quiet possession of the civil and military departments.

At Pisagua, Colleta-Bueno, Iquique, and Antofagasta, vessels are loading nitrates as rapidly as if no war existed, and the Insurgents are collecting the export duties on the same. At Pisagua there were two American barks and one schooner, and at Antofagasta, one American bark.

About two weeks before my visit to Pisagua, the Government torpedo vessels *Condell* and *Lynch* and the armed transport *Imperial* had, without any previous notice, bombarded the city. They fired ninety-five shells into the city, but did no serious damage to property, and no one on shore was even wounded. The same vessels appeared off Iquique and began firing at the city, but at such a long range that no projectile reached the shore, or could be seen to strike the water, although a great many shots were fired. The insurgent ships got under way and went out at full speed, but the Government ships, by their superior speed, did not allow the insurgents to get within range of them. The land forces of the insurgents are mainly concentrated at Iquique, where there are about 6,000 men well armed. Their aggregate force at all the ports held by them numbers about 8,000.

The insurgent naval vessels *Esmeralda*, *Cochrane*, *Huascar*, *Magellanes*, *O'Higgins* and *Abtao*, and several armed transports, are generally at Iquique. I met the *Cochrane* and *Magellanes* at Caldera on the 27th ultimo, and I have information that they were subsequently joined by the *Huascar* and that the three vessels are now at Huasco.

While I hear many rumors of an intended movement southward, on the part of the insurgents, I do not think that any such movement is probable at an early date, because they are deficient in woolen clothing, which is very necessary at this season of the year.

The Government have about 6,000 well-armed, equipped, and organized men within a radius of 8 miles of Coquimbo. While it is a positive fact that the insurgent troops are all volunteers and that a great many more volunteers can be obtained as soon as arms and clothing can be provided for them, it is also true that the Government force in this vicinity is composed mainly of impressed men from the mining regions.

I expect to remain here until the 10th of July, and then go to Valparaiso.

I have informed Mr. Egan, U. S. Minister at Santiago, of my arrival here.

Very respectfully, etc.,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

Capt. Remy to Mr. Tracy.

U. S. S. CHARLESTON,
San Diego, Cal., July 4, 1891.

SIR: I have the honor to report the arrival to-day, off this port, of the Chilean insurgent transport *Itata*, under convoy of the *Charleston*, under my command, from Iquique, Chile, having sailed from that port about 9 p. m., the 13th ultimo. The *Itata* is now anchored in San Diego harbor and the *Charleston* outside the bar. After target practice with the primary battery, if I deem it prudent to cross the bar, I will take this vessel into the harbor.

At Iquique I sent on board the *Itata* from this vessel, Lieut. Commander C. C. Todd, Passed Assistant Engineer Ira N. Hollis, Ensign C. Churchill, and ten enlisted men and apprentices, with small arms and ammunition, to make the voyage on that vessel, to assist in the convoy, to make and answer signals, and to see that my orders were carried out. The *Itata's* station was habitually on the port bow of the *Charleston*, distance from 2 to 4 cables, and the vessel was not for a moment lost sight of during the voyage, excepting for a few minutes at a time in perhaps a half a dozen heavy and thick rain squalls experienced between latitudes 8° and 17° north. I regulated the course and speed by signal. Commander Miguel Tejada, military commander of the transport *Itata* (as he is styled by his governing authorities), was very courteous, having on four occasions sent us a supply of fresh meat (he had live cattle on board from San Diego) in sufficient quantities to serve out some to every mess in the ship. He also offered to let me have some coal if needed. I endeavored to return his civilities by sending him some California wine, and myself and some of the officers of the ship sent a supply of tobacco to the ship's company of the *Itata*. As our mess supplies were and have been quite limited since sailing from San Francisco, this was the best we could do. As Commander Tejada has been straightforward in his actions since sailing from Iquique, I decided, when off the bar, to return my officers and men from the *Itata* to this vessel, excepting Ensign C. Churchill and one apprentice, whom I have directed to remain by the vessel until she is restored to the jurisdiction of the proper authorities in San Diego. It is hardly necessary to mention that there was a bitter feeling in Iquique regarding the return of the *Itata* to San Diego, and a desire to delay starting was manifested.

The following telegram was sent you by me to-day:

Itata and *Charleston* arrived. *Itata* anchored in San Diego Harbor. *Charleston* anchored outside the bar.

REMEY, Commanding.

I have 100 tons of coal on board. I have only to add, in connection with the *Itata*, that it has been my purpose and endeavor to carry out the orders of the honorable Secretary of the Navy, as directed in his telegram of the 8th of May last.

Very respectfully,

GEO. C. REMEY,
Captain, U. S. Navy.

Capt. Remy to Mr. Tracy.

U. S. S. CHARLSTON,
San Diego, Cal., July 10, 1891.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of the 6th instant:

Consult with United States attorney and take any steps necessary for protection of *Itata*.

The *Itata* has been libeled and is now under seizure by the United States marshal. I have no one on board that vessel, but have notified the United States district attorney and marshal if called upon by them I would put a force on board.

Very respectfully,

GEO. C. REMEY,
Captain, U. S. Navy.

Capt. Remy to Mr. Tracy.

U. S. S. CHARLESTON,
San Diego, Cal., July 10, 1891.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of this date, as follows:

The district attorney for the southern district of California has been directed to libel, and the Department is informed has libeled, the *Itata*. You will turn that vessel over to the marshal as soon as he is prepared to take possession of her by virtue of process of the court.

F. M. RAMSAY,
Acting Secretary of the Navy.

In reply sent the following telegram:

Department's telegram of this date anticipated. Without further instructions, if called upon by marshal for assistance, will act.

REMEY, *Commanding.*

The United States marshal took possession of the *Itata* on the 8th instant, and on that date Ensign Churchill, my only representative on board at that date, was withdrawn.

Very respectfully,

GEO. C. REMEY,
Captain, U. S. Navy.

Rear-Admiral McCann to Capt. Schley.

FLAGSHIP BALTIMORE,
Callao, Peru, 11th July, 1891.

SIR: Inclosed you will find a copy of a letter received from Mr. C. H. Baker, superintendent of the Central and South American Telegraph Company.

After my departure for the United States you will please take such steps to protect the cable company's steamer *Relay* and to guard the interests of the cable company as the circumstances may demand.

Very respectfully,

W. P. MCCANN,
Rear-Admiral, U. S. Navy.

THE CENTRAL AND SOUTH AMERICAN TELEGRAPH COMPANY,
Barranco, July 10, 1891.

Rear-Admiral McCANN,
U. S. S. *Baltimore*, Callao:

SIR: I have the honor to inform you that about the end of January last this company's new cable between Chorrillos and Valparaiso was successfully laid, but owing to the revolutionary troubles has not been permitted to be opened to the public beyond Iquique.

On numerous occasions we have requested the authorities of Iquique to allow the opening of the southern portion of the cable, or permit us to join the northern and southern sections in the hut at Cavancha Bay, under their own lock and seal, or guard, the Iquique authorities as well as ourselves relying on the West Coast of America Telegraph Company for telegraphic communication with Iquique.

Up to the present date we have been unable to obtain any decisive answer regarding our requests, and in consequence we propose to dispatch our cable steamer *Kelay* on Tuesday next (providing permission to join the cables at Iquique is not obtained before that date) for the purpose of cutting our cables off Iquique in the free sea, or outside the 3-mile limit, joining the two ends and establishing through communication between Valparaiso and Chorrillos.

In view of the possibility of our work being molested, I am directed by the Government of Washington, through my President, to inform you of any interference that may take place during cable operations outside of territorial waters, and I presume that you have had direct communication from the Government at Washington on the subject.

This is our present situation, which I am directed by my President to acquaint you of.

I am, sir, etc.,

C. H. BAKER.

Rear-Admiral McCann to Mr. Tracy.

[Telegram.]

CALLAO, July 14, 1891. (Received July 15.)

Have transferred command to Brown and will leave for New York via Panama.

Rear-Admiral McCann to Mr. Tracy.

FLAGSHIP BALTIMORE,
Callao, Peru, July 14, 1891. (Received August 5.)

SIR: I have to inform the Department that, in obedience to telegraphic instructions, I have turned over the command of the Pacific station south of Guayaquil to Rear-Admiral George Brown, and on the 14th July, 1891, hauled down my flag on board the *Baltimore* and took passage in the C. S. A. V. steamer *Lautaro* for Panama, en route to the South Atlantic station, via New York.

On the 10th July I received a letter from Mr. C. H. Baker, superintendent of the Central and South American Telegraph Company, relating to the interdiction, by the insurgent authorities at Iquique, of the use of the southern section of the Central and South American Telegraph Company's cable from Iquique to Valparaiso, and informing me that he had been authorized by the president of the company to cut the cable outside the 3-mile limit off Iquique, and to connect the northern and southern sections, unless the authorities at Iquique would allow the joining of the two sections and the transmission of messages under a censorship.

Inasmuch as I had received no special instructions from the Department relating to this affair, I invited Mr. Baker to come on board and

confer with me on the subject, and on Sunday, the 12th of July, after we had talked the matter over, a telegram was sent to the United States consul at Iquique, Mr. J. W. Merriam, to lay the matter officially before the insurgent authorities. Copies of the letters and telegram referred to are inclosed.

Capt. Schley has been directed to take such steps to protect the Central and South American Telegraph Company's steamer *Relay* and to guard the interests of the cable company as the circumstances may demand. The *Baltimore* will touch at Iquique on the way south. A full copy of the correspondence and telegrams has been furnished Admiral Brown in order that he may be fully informed in the matter. In case the insurgent authorities at Iquique decline to allow the two sections to be joined the cable company requests protection for their steamer *Relay* from any possible interference while making the connection between the northern and southern sections in extraterritorial waters outside the 3-mile limit.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Rear-Admiral McCann to Mr. Baker.

FLAGSHIP BALTIMORE,
Callao, Peru, July 11, 1891.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, referring to the proposed joining of the northern and southern portions of the cable off Iquique and outside the 3-mile limit.

In view of my immediate return to the United States I will not be able to give my personal attention to the guarding of the *Relay* while joining the two portions referred to, but I will at once send a copy of your letter to Rear-Admiral Brown, who will succeed me in the command of this station on the 14th instant, and thus place the whole matter in his hands.

In the meantime Capt. W. S. Schley, commanding the U. S. S. *Baltimore*, has been instructed to protect the cable steamer *Relay* and to guard the interests of the telegraph company. I have also furnished him with a copy of your letter.

Very respectfully,

W. P. McCANN,
Rear-Admiral, U. S. Navy.

Mr. Baker to Rear-Admiral McCann.

THE CENTRAL AND SOUTH AMERICAN TELEGRAPH COMPANY,
Barranca, July 11, 1891.

SIR: Since writing you under yesterday's date, I have received the following telegram from Mr. Scrymser, president of this company:

"Assuming Admiral McCann has received instructions from Washington, ask him to confer by cable also with consul, and, if possible, they officially arrange direct working by joining cables in hut under lock and guard.

"Explain that cable via Lisbon is working well, consequently situation will be unchanged and international complications avoided."

Referring to above message I beg to intimate my services are at your disposal.

With regard to the line via Lisbon, which is working well and without restrictions, our cable being joined through the hut in Cavanha Bay (having no connection with Iquique) would place us in the same position as the line across the Andes from Valparaiso to Buenos Ayres, there connecting with the east coast route to Europe.

Your obedient servant,

C. H. BAKER.

Rear-Admiral McCann to Mr. Merriam.

[Telegram.]

FLAGSHIP BALTIMORE,
Callao, July 12, 1891.

MR. MERRIAM,

U. S. Consul, Iquique:

Central and South American Telegraph Company suffering serious loss by restriction on southern section of line at Iquique. It is important to open direct communication with Valparaiso. Can you arrange with authorities for joining northern and southern sections of cables in hut at Cavancho Bay, under lock and guard? If this can not be done it will be necessary to make the connection outside territorial waters and open communication direct from Chorrillos to Valparaiso. Present this officially to the authorities. Answer.

Capt. Schley to Mr. Tracy.

[Telegram.]

CALLAO, July 15, 1891. (Received July 15.)

The *Baltimore* leaves to-day to report to Admiral Brown.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Coquimbo, Chile, July 16, 1891.

SIR: Since my report of the 3d instant this ship has remained in this port.

Since my arrival here I have received the most marked attention from the Government military authorities. I have visited several camps and have witnessed the drills of the majority of the troops in this vicinity.

There are about 6,000 well-equipped and well-organized troops, consisting of all arms of the service, within a radius of 7 miles of Coquimbo.

On the 7th instant there was a fight between the Government troops and those of the insurgents at Vallanar, in which not over 300 men on each side were engaged. The result of this engagement can not be ascertained with any degree of accuracy, as the official reports of both sides are conflicting. It is known, however, that the Government force returned to Serena immediately after the fight. Vallanar is inland from the port of Huasco and about 100 miles north of this place.

It is positively known that the insurgents at Iquique have recently received about 15,000 stand of arms, some rapid-firing field pieces, and a great quantity of ammunition by their transport *Maiopo*. These munitions of war, it is believed, were received by the transport from a German steamer at either the Falkland Islands or at some anchorage near Cape Horn.

So far as men, arms, ammunition, and ships are concerned, the insurgents are now prepared for a movement to the south, but it is my opinion that no movement is probable until the winter season is nearer at an end, because of the want of warm clothing for the troops. If, however, the report just received here to the effect that the two ships about com-

pleted in France have been delivered to the Government officers is true, it will have the effect of hastening action on the part of the insurgents.

I will go to Valparaiso in about a week, or sooner should my presence there be deemed important.

Very respectfully,

GEO. BROWN,
Rear-Admiral, U. S. N.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Coquimbo, Chile, July 30, 1891.

SIR: Since my report of the 16th instant I have obtained reliable information that the insurgent forces have commenced a movement towards the south. They have landed about 4,000 troops at Huasco, about 100 miles north of this port. These troops have been sent inland, and are now at Vallanar.

Another force has been brought from Iquique and Tacna, and is now at Caldera and Copiapo, and is being strengthened by volunteers from the mining region in the department of Copiapo. This force is said to number not less than 5,000 men. About 2,000 troops are still in Iquique, Pisagua, and Antofagasta.

The insurgent transports and vessels of war now make their headquarters at Caldera, and the coast between this port and Valparaiso is being patrolled by the insurgent ships, a vessel of war always being accompanied by an armed transport. They appear off this port at frequent intervals.

It is believed by the Government military officials here that the insurgents will make a landing in this immediate vicinity within the next two weeks, and that a battle will be fought which will decide the fate of the revolutionists.

The Government forces in this department have, within the last two days, been reënforced by 1,600 infantry and 400 cavalry. These reënforcements were landed at Los Vilos, about 70 miles north of Valparaiso, and marched overland.

The Government can now put in the field in this vicinity 7,500 men of all arms, well-officered, and thoroughly drilled and equipped. Reënforcements can reach them from the south by land in not less than twenty days' time, and by water in twenty hours were it not that the insurgent ships are on the alert to prevent communication by water.

It is understood that the Government troops will withdraw from Serena, Coquimbo, and the coast line, so as to get out of the range of the guns of the insurgent ships.

There are now in this port the French flagship *Champlain*, Rear-Admiral Perryon, and the gunboat *Volta*; the German flagship *Leipsig*, Rear-Admiral Valois, and the cruisers *Alexandrine* and *Sophie*; the English ships *Champion*, *Melpomene*, and *Garnet*; and the *Baltimore* and this vessel.

I will keep both the *Baltimore* and this ship here for the present.

Very respectfully,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Valparaiso, Chile, August 19, 1891.

SIR: My last report, was sent from Coquimbo, Chile, which place I left on the 14th instant, arriving here on the following morning.

Reports from northern Chile are so conflicting that it is difficult to ascertain just how matters stand there. It is certain that the headquarters of the insurgents, both civil and military, have been moved from Iquique to Caldera. The insurgent military and naval forces have been concentrated at Caldera, Copiapo, Huasco, and Vallenar. Their army is composed of 9,000 or 10,000 men, all armed with Mannlicher magazine rifles, is well supplied with ammunition, clothing, and provisions, and is in a condition for offensive movements.

It is thought that the insurgents are, at this time, on their way south by sea, and that a landing will be made at either Quinteros or Concon to the north, or at San Antonio to the south of this. Within a week there should be some developments which will indicate positively what they intend doing. I am satisfied that no attempt will be made to land at Valparaiso, but I am not convinced that they will not yet land at or near Coquimbo.

The *Esmeralda* was off this port yesterday and came close enough to be within the range of the guns on shore which fired at her several times. The *Esmeralda* was not struck, nor did she return the fire.

There is intense excitement at Santiago and this place due to the expected arrival of the insurgent squadron and transports, whose movements appear to be known to the numerous people whose sympathies are with them.

During the last four days attempts have been made to destroy the railroad bridges and tunnels between Santiago and this place, as well as on the roads leading south from Santiago. These acts of the opposition, coupled with the excited condition of all on shore, indicate to my mind that the time of the arrival of the squadron and transports was fixed for about this date, and that it is no secret to many.

The Government officials seem to be confident of their ability to defeat the insurgents in the event of their landing at any point. Ten thousand men can be concentrated here in three hours, and in forty-eight hours, at least 10,000 more can arrive.

The Government is thoroughly prepared for any military emergency and places great reliance upon the torpedo cruisers *Condel* and *Lynch*, and several Yarrow torpedo boats, should the squadron come near this port.

For the present I will remain here. The *Baltimore* is at Coquimbo, but will join me if the insurgents come south of that place.

I have been received very courteously by the authorities here, and the usual calls, civilities, and salutes have been exchanged.

Very respectfully, etc.,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

VALPARAISO, August 20, 1891. (Received August 21.)

Admiral Brown reports the landing of 8,000 men at Quinteros Bay, 20 miles north of Valparaiso. The Government forces are concentrating to oppose any advance.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

VALPARAISO, August 29, 1891.

Admiral Brown reports that Valparaiso was taken yesterday by the insurgents after a bloody engagement. The Government forces had the advantage of position, but were badly led and their troops were disaffected. The insurgent ships were not present and the forts not engaged. The torpedo boat *Lynch*, with three second-class torpedo boats, were captured by the insurgents. A guaranty for the protection of the lives and property of foreign subjects was demanded by the foreign admirals. One hundred of our sailors are at the consulate and many refugees are on board of our ships. The Provisional President is here and the Balmaceda government can not possibly continue.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

VALPARAISO, August 30, 1891.

Admiral Brown reports that President Balmaceda has turned over the government to General Baquedano and has left Santiago; that Valparaiso is quiet and the foreign forces have returned to their ships. The Balmaceda government has completely collapsed.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Valparaiso, Chile, August 31, 1891.

SIR: My cablegrams of the 29th and 30th instant will have informed you of the capture of the city of Valparaiso on the 28th instant by the Congressional (insurgent) forces, and of the subsequent complete collapse of the Balmaceda Government.

The Congressional army, supported by all of their squadron of men-of-war, except the *Huascar*, landed without opposition, on the 20th instant at Quinteros Bay, 18 miles north of Valparaiso.

Having been informed by the Government authorities in this city that a landing had been effected, and having learned from experience to distrust the correctness of all such information given me as official, I got under way in this ship, steamed up the coast, and entered Quin-

teros Bay, saw for myself that a landing had been made from eight transports and six men-of-war, and, without communicating with any of the ships, I returned to this place and cabled the result of my observations to the Department. I also telegraphed to Capt. Schley, at Coquimbo, to proceed to Valparaiso with the *Baltimore*, with dispatch, and to look into Quinteros Bay en route.

The *Baltimore* arrived here on the afternoon of the 21st instant, and reported that the *Huascar* and three additional transports were at Quinteros.

I have since learned, from reliable authority, that the Congressional force landed at Quinteros consisted of 9,500 men of all arms. They had 40 Krupp fieldpieces and 2 Gatling guns, and 400 cavalry.

As they landed they immediately commenced their march southward, and by the evening they reached the north bank of the Aconcagua River, which they occupied.

The Government forces, consisting of 6,700 men of all arms, under the command of General Alzerrera, were moved from Valparaiso, and reached the south bank of the Aconcagua River by daylight of the morning of the 21st instant. On that morning the battle of the Aconcagua was fought.

The invading forces crossed the river (by wading) covered by their artillery, while their right flank was covered by the fire from the guns of three of their men-of-war. The fighting took place south of the river, and between it and the foot of some high hills.

The left flank of the Government forces occupied a position some distance from the sea, and inland from Concon, to avoid getting within range of the fleet. The Congressionalists not only got on the left flank of the Government troops, but also got in their rear and on the hills above them. The slaughter must have been fearful, for, out of 6,700 Government troops engaged, only 1,000 men could be gotten together at the end of the stampede and rout which occurred.

The Government lost thirty-seven pieces of artillery in this battle. The above figures are accurate, for they were given to me by Balma-ceda's minister of the interior and acting minister of war, who is now a refugee on board of the U. S. S. *Baltimore*. He had been sent here to conduct the military movements. It is not believed that the missing were all killed or wounded or captured, for it is well known that a great many of them deserted to the Congressionalists and fought in their ranks.

At the end of this fight the city of Valparaiso was defended by but 500 armed police, and could have been taken with ease by a small force. From this time it was apparent that the Government officials here had no hopes of being able to defend the city, but no reliable information as to the actual condition of affairs at the front could be obtained by me, although on several occasions I was assured by the authorities that reinforcements had arrived from Santiago, and that their position was impregnable. I knew, however, that the Congressionalist army had advanced without opposition to a point to the southward of Valparaiso, and, on their march, had cut the railroad and all telegraph wires, thereby stopping all communication between here and Santiago. Before this communication was interrupted, the defenses of Valparaiso were strengthened by reinforcements from Concepcion and Santiago.

Only unreliable information could be obtained from the front until the morning of the 28th instant, when at 7:30 heavy artillery and infantry firing could be heard from the ship, in a southeasterly direction from

the anchorage, and back of the high range of hills which surround the bay.

Anticipating an attack on the city at any moment, I had ready to land at a moment's notice a force sufficiently strong to insure the protection of the United States Consulate and of the many women and children who had sought refuge there.

At about noon I landed one company of 36 marines, two companies of seamen, each 30 men strong (one company from the *San Francisco* and one from the *Baltimore*), and a corps of signalmen and nurses. Lieut. Commander B. F. Tilley was in command of the landing party, Capt. W. S. Muse, U. S. Marine Corps, of the marines, and Lieuts. W. C. Babcock and Henry McCrea of the two companies of seamen. Passed Assistant Surg. J. M. Edgar and Assistant Surg. E. R. Stitt accompanied the party. The landing party aggregated 9 officers and 102 men, a total of 111.

At about 10:30 a. m. of the 28th instant I received official notice from Vice-Admiral Oscar Viel, intendente of Valparaiso, that the Government had lost the day, and that he was prepared to surrender the city unconditionally, and requested that the senior officers of the foreign naval forces present should go to the front, inform the commander-in-chief of the Congressional army of this fact, and make such arrangements as were possible for the safety and security of the lives and property of the foreign residents.

In compliance with this request of Vice-Admiral Viel, I went ashore at 12:30 p. m. and met, at the intendencia, Rear-Admiral Perryon, of the French squadron; Rear-Admiral Valois, of the German squadron; and Capt. St. Clair, the senior present of the English squadron. We were each accompanied by one aid and an orderly carrying our respective national flags.

While preparing to go to the front we were informed that the bearer of a flag of truce was entering the city, so it was decided to await his arrival. The flag of truce reached the Government buildings at 1:30 p. m., accompanied by a body of Government cavalry. A conference was at once held and we received every assurance that all we asked for would be granted as far as it was possible.

Articles of capitulation were drawn up, but were signed only by the representative of the Congressional party. As he signed the paper it was reported that the advance guard of the Congressionalists were entering the plaza in front of the Government buildings. I accompanied the bearer of the flag of truce to the plaza, met the leader of the advance guard, Mr. Walker Martinez, Secretary of the Interior (of the Provisional Government), and escorted him into the building. Vice-Admiral Viel was called for, but it was found that during the confusion and excitement following the arrival of the Congressionalists all Government officials had left the building, and that their whereabouts could not be ascertained. For this reason the city was not surrendered, but was captured by the Congressionalists.

From this time until late in the evening the victorious army were entering the city and were everywhere, from the tops of the hills to the plaza, enthusiastically welcomed by all classes of the populace. The streets were crowded by thousands of people who had been in hiding for months, while from the windows of the houses Chilean flags were displayed and flowers thrown to the troops. Half of the soldiers who came into the plaza carried bouquets which had been presented to them along their line of march. The evidences and expressions of joy and relief on the part of the citizens of Valparaiso was marked in every

feature and form of their demonstrations of welcome. This, however, was to be expected, as it was known that, taking out the people who were in the pay and service of the Government, at least 90 per cent of the residents of Valparaiso were in sympathy with the Congression-alists.

As I was returning to the ship, and reached the wharf, after passing through the densely crowded plaza, where at all points the United States ensign carried by the orderly was cheered, several rifle shots were fired from the shore at the torpedo cruiser *Almirante Lynch*, which was moored near the sea wall. The *Lynch* returned the fire by three shots from her rapid-firing battery. The crowd on shore immediately poured in a volley and the rifle fire became rapid and continuous, and so effective as to cause the officers and crew of the *Lynch* to abandon their ship in the boats and take refuge on one of the German men-of-war. The white flag was hoisted at her peak, the firing ceased, and the ship was taken possession of. On reaching my boat, and while getting away, many rifle balls passed over our heads. Many of the vessels, including this ship and the *Baltimore*, were struck by bullets, but fortunately no one on board was wounded.

The Government troops in the city threw away their arms and cartridge belts, and changed their uniforms. As the streets were strewn with these articles they were picked up by the roughs and lower classes of citizens, who, being thus armed, became bold and dangerous.

During the whole of the night of the 28th instant the musket firing was continuous, and there were many incendiary fires. A number of houses on the hills were sacked and many attempts to rob business houses were made. From the best information obtainable at present, I believe that no less than 150 persons were killed during the night. Those who know the character of the lower order of Chileans express their surprise and gratification at the fact of there being no more disorder in the city during the night, and many attribute this to the 500 men from the foreign men-of-war who were located at different points in the city.

On the 29th instant I called on the Provisional President Montt and the other officials and was received by them with marked courtesy.

Yesterday the city was under complete police control, and the foreign forces were reëmbarked during the afternoon, after they had been forty-eight hours on shore. In this connection, I wish to state here that the conduct of the men from the Pacific Squadron was absolutely excellent during the whole time in which they were performing the delicate and important duties required of them.

Of the battle fought on the morning of the 28th inst., and which resulted in the capture of Valparaiso, I am unable, at this time, to say much, as reports are conflicting and unreliable.

I learn from the acting secretary of war (Government) that the Government forces, which occupied a most excellent position for defending the city, were composed of 8,000 infantry, 400 cavalry, and 700 artillery, with 28 Krupp guns, 12 Armstrong field pieces, and 2 Gatling guns. Nearly the whole of this force was engaged.

I believe that the Congressional force aggregated 12,000 men, and that it had been strengthened since landing by deserters from the Government forces.

Gen. Barbosa was in command of the Government forces, with Gen. Alzerreca as second in command.

Col. Canto commanded the Congressional army, with Col. Koerner, a German officer, who, for two years prior to the breaking out of the

revolution, was in charge of the military school at Santiago, as chief of staff.

The battle commenced in the vicinity of Placillo, 8 miles southeast of Valparaiso, about 7:30 a. m., and at 10:30 a. m., the Government troops had been completely routed, many killed and wounded, and a great many had deserted on the field and gone over to the Congressionalists.

At this hour (10:30 a. m.) the advance of the Congressionalists could be seen from the ship as they came over the hills and were met and welcomed by the citizens. It would appear from many circumstances, as well as from what I have been told by officers of the defeated army, that the advance of the attacking forces was never checked at a single point along the whole line of battle. Generals Barbosa and Alzerreca were wounded, taken prisoners, and subsequently put to death on the field.

The forts around Valparaiso were abandoned on the 28th instant. On the evening of the same day the Congressional ironclad *Almirante Cochrane* entered the harbor and was cheered by the citizens on the hills. During the 29th the other ships of the squadron, including several transports, came in and anchored.

The existing authorities here have made rapid progress towards the reestablishment of order, and to-day the business houses have opened, leaving scarcely any evidence in that portion of the city of the chaotic condition of affairs which existed only three days ago.

On the 29th instant I placed the services of Passed Assistant Surgeons J. M. Edgar and S. S. White and Assistant Surgeons E. R. Stitt and L. W. Spratling, with one apothecary and two nurses, at the disposition of the authorities. Since that time they have been untiring, and have rendered most acceptable aid to the wounded as they are brought in as well as on the battlefield. Their reports will be forwarded as soon as practicable after their services on shore are no longer necessary and can be dispensed with.

Their reports will prove interesting and valuable to medical science, as many of the wounds will have been from the balls of the Mannlicher rifles of .302 caliber and of high power.

On the 28th instant a great many refugees came afloat and asked the protection of their lives.

The *Baltimore* and this ship received all who came, and I have on board several very prominent civilians and the family of Vice-Admiral Viel.

The President-elect, Claudio Vicuna, and Vice-Admiral Viel are on board of the German flagship *Leipsig*. What disposition will be made of the refugees afloat is not known at present, but their desire is to be able to reach Peru, as their lives would not be safe in any part of Chile.

I have the honor to inclose herewith letters from Capt. Sampson, of the flagship *San Francisco*; Capt. Schley, of the *Baltimore*, and Col. William B. McCreery, United States consul at Valparaiso, commending the services and behavior of the officers and men who were landed on the 28th instant to protect the American consulate.

Very respectfully,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

Capt. Sampson to Rear-Admiral Brown.

U. S. S. SAN FRANCISCO,
Valparaíso, Chile, August 31, 1891.

SIR: I wish to call your attention to the admirable bearing and behavior of the men and marines sent from this ship and the *Baltimore* to guard the United States consulate and the women and children who had taken refuge there during the troublous days following the capture of this city by the army of the opposition. By your order thirty men and eighteen marines from this ship and the same number from the *Baltimore* were landed, under arms, immediately upon the surrender and before the victorious army could enter the city. The necessity for such action had been anticipated, and the party was landed upon short notice, in heavy marching order, with two days' rations. This number of men was easily quartered in the extensive building at present occupied as the United States consulate, besides leaving accommodations for a large number of refugees. Constant communication was maintained by signal between the landing party and the ship.

The party was under the command of Lieut. Commander B. F. Tilley, U. S. Navy, assisted by Capt. W. S. Muse, U. S. Marine Corps; Lieuts. W. C. Babcock and H. McCrea; Ensigns G. N. Hayward and H. A. Wiley; Naval Cadet J. R. Edie, and Passed Asst. Surg. J. M. Edgar, and Asst. Surg. E. E. Stitt, U. S. Navy. Mr. Tilley reports that the men not only performed their duties in a most satisfactory manner, but that their conduct in every respect was altogether commendable. The 300 men, women, and children reported to have been killed in the streets of the city during the first night, and the property wilfully destroyed by fire the first and second nights, is evidence that sending the men on shore was a wise precaution.

Very respectfully,

W. T. SAMPSON,
Captain, U. S. Navy.

Capt. Schley to Rear-Admiral Brown.

U. S. S. BALTIMORE,
Valparaíso, Chile, August 31, 1891.

SIR: I have the honor to bring to your notice the excellent conduct and behavior of the marines and men sent from this ship, on the afternoon of August 28, to protect the American consulate at this port during the confusion and perils attending the rout of the Government forces on that day by the insurgents.

Lieut. McCrea, who commanded the forces from this ship, speaks in terms of high admiration of their steadiness and their readiness for service at a moment's notice. The expedition from this ship consisted of eighteen marines and thirty-six sailors and I am satisfied that their presence in the city on that occasion when disorder in all parts of the town was the natural sequence to its capture, did much to prevent the effusion of blood in the locality where they were stationed.

I am informed by Lieut. McCrea that their appearance in the streets in going from and returning to the ship elicited much admiration and respect from the crowds assembled along the route of their march.

Very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

Mr. McCreery to Rear-Admiral Brown.

UNITED STATES CONSULATE,
Valparaíso, Chile, August 30, 1891.

SIR: In an interview with Admiral Montt, this a.m., he informs me that good order is now maintained throughout the city, and that in his opinion the force you sent me comprising 111 officers and men from the *San Francisco* and *Baltimore*, under command of Lieut. Commander B. F. Tilley, of the U. S. S. *San Francisco*, to guard the consulate and protect the defenseless women and children who might seek shelter under the flag of the United States, is no longer required.

I desire to return to you my thanks for the promptness with which you anticipated the impending danger, and the protection and security assured to the large number of persons who found refuge and absolute safety under our flag.

Will you kindly return my thanks to Lient. Commander Tilley, and to the officers who accompanied him, as well as to the men under their command.

The uniform kindness, courtesy, and gentlemanly deportment of both officers and men have endeared them to all with whom they came in contact, reflecting credit upon your command and rendering them gallant and worthy representatives of the Government whose service they adorn.

I have the honor, etc.,

WM. B. MCCREERY,
U. S. Consul.

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT, Washington, September 1, 1891.

Mr. Tracy instructs Admiral Brown to obtain authentic information as to the situation, and to report promptly and frequently.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

VALPARAISO, September 3, 1891.

Rear-Admiral Brown reports that a congressional committee, including two cabinet ministers, arrived from Iquique yesterday on their way to Santiago; that every part of Chile had declared for the new Government; that everything was quiet and all business resumed.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

VALPARAISO, September 5, 1891.

Admiral Brown reports that the *Baltimore* left yesterday for Mollendo, Peru, with 20 refugees whose lives were not safe in Chile, and that there was no other way of their reaching neutral territory. The *Baltimore* would return at once. The excitement was subsiding rapidly.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Valparaiso, Chile, September 5, 1891.

SIR: I have the honor to inform the Department that the *Baltimore* sailed at 7:40 p. m. yesterday for Mollendo, Peru, taking as passengers nineteen Chileans, who sought the protection of the *Baltimore* and this ship during the excitement consequent upon the capture of Valparaiso by the Congressionalists.

No other means of their reaching neutral territory was possible, as all the merchant steamers plying between this and Peru touch at Chilean ports, in any one of which the refugees would have been seized.

Among those sent in the *Baltimore* were Julio Banado Espinosa, Domingo Godoy, Perez Montt, and Daniel Balmaceda, (brother of the late President). The *Baltimore* will return to this place.

The excitement due to the recent events is rapidly subsiding, and in all parts of Chile there is absolute quiet. Business which has been seriously interrupted for the last seven months has assumed its normal condition. Several of the officers of this vessel have visited the battle-fields and report a great many dead and also that the dead were being piled, saturated with kerosene, and burned. The number of wounded brought into the city is thought to exceed 2,500, many of whom have died from want of care on the fields, as some were more than two days without medical attention.

Very respectfully, etc.,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

Mr. Tracy to Rear-Admiral Brown.

[Telegram.]

NAVY DEPARTMENT,
Washington, September 8, 1891.

Mr. Tracy instructs Admiral Brown, at Valparaiso, to send U. S. S. *San Francisco* to San Francisco, and to report, by telegraph, if he considers it necessary to remain in Chilean waters.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

VALPARAISO, *September 9, 1891.*

Admiral Brown acknowledges receipt of the Department's telegram of the 8th, and reports that the *San Francisco* will leave in a couple of days for the north, and that, as the country is absolutely quiet, there is no necessity for his remaining; that the *Baltimore* is shortly expected, and there is no necessity for her remaining at Valparaiso very long.

Capt. Schley to Mr. Tracy.

[Telegram.]

MOLLEND, PERU, *September 9, 1891.*

Capt. Schley reports the arrival of the *Baltimore* at Mollendo with political refugees from Valparaiso, and that after landing them he will return immediately to his former station.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
Callao, Peru, September 20, 1891.

SIR: I have the honor to report that this ship left Valparaiso on the evening of the 14th instant and reached here to-day.

Up to the time I left Valparaiso very rapid progress had been made by the Provisional Government towards an organization throughout Chile. The Balmaceda army had been disbanded, and all of its members who had deserted to the ranks of the insurgents, or who had been taken prisoners or had been surrendered in a body, as was the case of the Coquimbo division of about 7,000 men, have been sent to their homes. All officers of and above the rank of captain are held as prisoners in several localities, and it is understood that they will be released very soon after the general election for President and members of Congress, to be held October 18 proximo.

The Provisional Government is reorganizing the army, and is discharging and sending north many of the men who, previous to their enlistment, had been employed in the mining and nitrate regions, in order that those industries may be resumed with a full force of laborers.

On the 10th instant I went to Santiago and met Mr. Egan, and made an unofficial call on the President and Cabinet of the Provisional Government, and was received with great kindness.

Both at Santiago and Valparaiso perfect order existed.

I brought two prominent Chilean refugees from Valparaiso to this place.

The *Baltimore* arrived at Valparaiso on the 14th instant, having been to Mollendo, Peru, where she landed the nineteen refugees who came on board our ships at Valparaiso on the 28th ultimo.

Capt. Schley reports that the *Baltimore* has lost about two knots speed by reason of the marine growth on her bottom. She was docked last at Toulon, France, February, 1891.

My orders to Capt. Schley require him to remain on this coast until further orders from the Department or from myself.

There is every indication that the several political factions who combine to oppose Balmaceda and his followers will not work in harmony much longer, and as each faction has its own candidate for President it will not be strange if the excitement in political matters does not lead to a bitter campaign.

I am of the opinion, however, that the results of the general election on October 18 proximo will be accepted by all parties, and that Chile will then resume its normal condition and endeavor to recover from the position it is now in as regards financial troubles and the disturbed manufacturing and producing industries.

As the interests of the United States in Chile are comparatively small and almost hopelessly beyond any increase in a commercial sense, I see no necessity for the *Baltimore* remaining on this coast much longer.

Very respectfully, etc.,

GEORGE BROWN,
Rear-Admiral U. S. Navy.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, *September 23, 1891.* (Received September 23.)

Capt. Schley reports that there were no political disturbances when the festivities to celebrate the anniversary of Chilean Independence and the restoration of peace took place; that Balmaceda committed suicide September 19. He considers it advisable to make certain repairs on the *Baltimore* which can not be done in Chilean ports; and that, as everything is quiet and the foreign fleets are withdrawing, his stay in Valparaiso is not demanded.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, *September 25, 1891.* (Received September 25.)

Captain Schley reports that he has just returned from Santiago, and states that there is strong feeling and great hostility among Chileans against American citizens, and that Mr. Egan informed him that the authorities are giving him much annoyance on account of Balmacedists, who held important positions, taking refuge in the American legation. The cause of the above hostility is stated to be the *Itata* case, the cutting of the telegraph cable, the *San Francisco* going to Quinteros when the insurgents landed, and false telegraphic reports from Lieut. E. W. Sturdy to New York that President Balmaceda escaped in the *San Francisco*. That all is rather quiet, but he can not predict what may happen any day, and to avoid any difficulty between the men of the *Baltimore* and Chilean sailors, no liberty has been granted.

Commodore Ramsay to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT, *Washington, September 26, 1891.*

Commodore Ramsay advises Capt. Schley, at Valparaiso, that the *Baltimore* is to remain there until further orders, and to make such necessary repairs as can be done on board ship.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, September 28, 1891.

The Department asks an explanation of Capt. Schley's telegram of the 25th, regarding telegraphic reports from Lieut. E. W. Sturdy to New York that President Balmaceda had escaped in the *San Francisco*.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, September 28, 1891.

Mr. Tracy directs Capt. Schley at Valparaíso to visit Mr. Egan again, to keep in constant personal communication with him, and to report the situation.

Mr. Tracy to Admiral Brown.

[Telegram.]

NAVY DEPARTMENT,
Washington, September 28, 1891.

Mr. Tracy directs Admiral Brown to return to Valparaíso.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAÍSO, *September 29, 1891.*

Capt. Schley reports his intention of visiting Santiago the next day to consult with Mr. Egan on Government affairs, and that he will report fully by telegraph.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAÍSO, *September 29, 1891.*

Capt. Schley reports, in answer to the explanation called for by the Department's telegram of September 28, that when the *San Francisco* sailed for Callao on September 14, Lieut. E. W. Sturdy telegraphed to the New York Herald that President Balmaceda escaped in her, though he had been assured to the contrary by the American consul. This news having been telegraphed back to Chile, caused much excitement and strong feeling against American citizens. Capt. Schley reports that Lieut. Sturdy's correspondence to the Herald has been stopped, and that he has suspended him from duty.

He further states that when the Congressional forces landed at Quinteros Bay, on August 19, Admiral Brown went there with the *San Francisco* to witness the disembarkation, and on his return to Valparaíso the friends of the Congressionalists accused him of being a Government spy, which of course is false, but since then the press have made bitter attacks on Admiral Brown.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, October 2, 1891.

Capt. Schley reports his return from Santiago and gives the following résumé of affairs: The visible surveillance over the American legation and arrest of those entering or leaving has stopped; the better classes are opposed to the action of the new Government toward the American legation; the newspapers are not criticising Americans as much as at first; everything is quiet at Valparaiso, and the chances of everything being more settled improve daily; and that at no time has there been any discourtesy toward the officers of the *Baltimore*. He states that he will keep in constant communication with Mr. Egan, personally or by telephone, as has been his practice since the departure of Admiral Brown.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, October 4, 1891.

Capt. Schley reports that the temporary repairs to the *Baltimore* have been completed; that affairs at Santiago are more settled; that everything is quiet at Valparaiso, and that generally the feeling against Americans seems to be quieting down, and that he is in constant communication with Mr. Egan at Santiago, and Admiral Brown at Callao.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

CALLAO, October 11, 1891.

Admiral Brown reports that the *San Francisco* will be ready to sail on the 13th, but that taking into consideration the strong feeling in Chile against the American squadron, it is advisable to wait at Callao unless condition of affairs changes for the worse and his presence be necessary at the south. He says that Capt. Schley telegraphs him that affairs are improving at Santiago, and that the difficulty about refugees in American legation is being settled, and he doubts if an increased naval force at Valparaiso would improve the state of affairs.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, October 12, 1891.

Capt. Schley reports his return from Santiago and the following condition of affairs: A satisfactory arrangement, by which a safe conduct for the refugees in American legation may be obtained, is possible after awhile. Ill-feeling is less manifest and everything is quiet.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, October 17, 1891.

Capt. Schley reports that while a party of men from the *Baltimore* were ashore on liberty in Valparaiso the previous afternoon one of the boatswain's mates was killed and six men were seriously wounded. An inquiry is taking place, and a full report will be sent when the circumstances are known.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT, Washington, October 20, 1891.

Mr. Tracy instructs Capt. Schley that when the investigation regarding the killing and wounding of the liberty men of the *Baltimore* is concluded to make a full report to the United States minister at Santiago, and to telegraph the substance to the Navy Department.

Rear-Admiral Brown to Mr. Tracy.

[Telegram.]

CALLAO, October 21, 1891.

Admiral Brown reports that he is in telegraphic communication with Capt. Schley, at Valparaiso, and that the assault on the *Baltimore's* men is being investigated by the Chilean authorities, upon the conclusion of which the *Baltimore* should leave. He quotes Capt. Schley as stating that the diplomatic questions at Santiago had been satisfactorily settled, and that there is no reason for the *San Francisco* to go south, but that, on the contrary, she should go north and be docked as soon as possible.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, CHILE, October 23, 1891.

Capt. Schley telegraphs the substance of the report of the board of officers to investigate the attack on the sailors of the *Baltimore*.

[See inclosure D, below.]

Capt. Schley to Mr. Tracy.

U. S. S. BALTIMORE,
Valparaiso, Chile, October 23, 1891.

SIR: I regret to be obliged to report that while a part of the crew of this vessel were on shore on liberty at this place on the afternoon of October 16, toward 6 o'clock in the evening, my men were assailed in sev-

eral localities of the town by a mob of sailors, longshoremen, and citizens in masses of from twenty-five to two hundred men. Stones, clubs, knives, etc., and in one case a gun were used, resulting in the death of Boatswain's Mate Charles W. Riffin, and dangerously wounding Coal-Heaver William Turnbull, who received eighteen or twenty stab wounds in the back, two penetrating the lungs; Coal-Heaver Jerry Anderson, who received three or four stab wounds, two penetrating the lungs; Carpenter's Mate John Hamilton received wounds in chest, back, and groin, one or two of them evidently from bayonets; Apprentice J. W. Talbot was severely stabbed a number of times in his back, two of which penetrated the lungs; Coal-Heaver George Panter and Landsman John Davidson were wounded with stones, beaten with clubs, and cut in the back with knives. Many others of the crew were assaulted with stones and clubbed and cut with knives, though to a less serious extent. Complaint is made to me by a number of men that they were nipped with catgut cords about their wrists and dragged to the station. In one case a lasso or lariat was used around the neck to effect delivery at the jail.

Several of the wounds inflicted were recognized as bayonet wounds, which would seem to point to police participation in these cases, though it is pleasant to be able to say that in two or three instances police officers intervened most courageously to protect my men against the crowds in the mobs.

Thirty-six of my men were arrested and detained in prison and hospital, then examined secretly, which appears to be according to Chilean law in such cases, and ultimately discharged and delivered, as no proof of guilt had been established.

I can bear testimony from personal observation in the streets up to 5:30 p. m., when I left the shore, that every man of a great many whom I met, was orderly, well-behaved, sober, and polite to all officers, foreign as well as their own, and this statement is corroborated by many disinterested foreigners and Americans who saw them later and during the time when they were fallen upon by the mob.

As the disturbance was attended by the death of one of my men and the serious wounding of many others, I addressed the accompanying letter (marked A) to his excellency the intendente of the province, to which he replied in the communication marked B. I immediately ordered a board of officers to examine into all the circumstances attending this unfortunate affair, in an order marked C, and transmit a copy of their report, marked D, as gathered from the statements of the men who were on shore and cognizant of any facts bearing on the disturbance. I would add that the testimony of the men given before this board is corroborated by a score of foreigners on shore who were eyewitnesses of the assault from the beginning to the end. Many of them denounce the occurrence as an outrageous assault upon men who were orderly and well-behaved.

It is thought that the trouble began in a quarrel between Charles W. Riffin and a Chilean sailor in a saloon. Apprentice Talbot, entering the saloon at this moment, approached the two men, when the Chilean sailor spit in his (Talbot's) face; then, Talbot says, he knocked him down. At this moment a large crowd of men, principally longshoremen, burst into the saloon and began a furious assault on Riffin and Talbot, who escaped through the crowd and took refuge on a street car passing at the moment. They were dragged from the car by numbers of men, when Riffin was stabbed mortally in the back and neck, and left dying upon the street. Talbot escaped, and although stabbed severely, succeeded in taking refuge in a house, where he was subsequently arrested

by the police, taken to the carcel, and then to the hospital, on account of the serious nature of his wounds. Armorer J. M. Johnson, seeing Riggins from the upper window of an inn lying in the street, went to his assistance, and took him in his arms in the endeavor to take him to a drug store near by. At this moment a squad of armed police came on the scene, and one of the number fired a shot which entered Riggins' neck on the right side and passed out below the shoulder, inflicting a death wound. Another shot was fired, but by whom is unknown at this writing. This shot passed through Johnson's shirt sleeve near the shoulder, then through the folds of his neckerchief, and did no damage.

The board are of the opinion that the assault was instigated by Chilean sailors recently discharged from the transports, joined by longshoremen, and that it was designed. This fact is further borne out by several men who were told by friends on shore to keep within doors after night as an assault was intended. That this was so is further shown in the attacks made upon my men in widely separated localities of the city, as far as the Plaza de la Victoria at or about the same time as the main attack, in the vicinity of the Intendencia. In many instances the men were in restaurants or hotels getting supper when attacked by crowds numbering from twenty-five to one or two hundred men.

It is not thought that the sailors of the Chilean fleet, as a body, assisted in this work of assault and butchery, as several instances are mentioned in which these men assisted mine against the mob, or into places of safety, and I am pleased to be able to correct this infamous idea, as published in the papers of Valparaiso, that it was their work of revenge.

My men were unarmed and defenseless, except in some six or seven cases, where they had small penknives. The police failed to produce an arm carried by my men, except one small iron pestle, 4 inches long, such as druggists use. The penknives were returned to me by the intendente after the examination and discharge of my men. This fact is the most complete refutation of the scandalous lies published in the papers here, no doubt to intensify the hatred and prejudice of the populace against my people.

This cowardly assault, with its consequences, were of such gravity that it was reported to you in a telegram marked E. After receiving your telegram marked F I transmitted a full report of all the circumstances as well as a copy of the report of the board of investigation to the U. S. minister at Santiago, Chile, by Lieut. James H. Sears, U. S. Navy. My report to the minister is inclosed, marked G.

This morning I received a communication from the intendente of the province, marked H, in which you will observe that the judicial investigation is about to close; my reply is marked I.

Very respectfully,

W. S. SCHLEY,
Captain, Commanding.

A.

Capt. Schley to the Intendente of Valparaiso.

U. S. S. BALTIMORE,
Valparaiso, Chile, October 17, 1891.

SIR: I regret extremely to inform your excellency that while my men were on liberty yesterday afternoon to enjoy the hospitality of a port with which my nation is upon the most friendly terms of amity, an unfortunate disturbance occurred, in

which one of my petty officers was killed and six of my men seriously stabbed. I feel that it will only be necessary to request your excellency to institute a most searching investigation into the circumstances leading to this affair in order to establish the culpability for this unfortunate collision.

I can say in advance that if my men have been the instigators in this affair they will be dealt with most severely under the laws of my country, and I feel certain that if it should be otherwise your excellency will bring to justice all offenders.

Regretting extremely the unfortunate occurrence and the duty it imposes upon yourself and myself, I have the honor to be,

W. S. SCHLEY,
Captain, Commanding.

B.

[Translation.]

The Intendente of Valparaiso to Capt. Schley.

REPUBLICA DE CHILE,
Intendencia of Valparaiso, October 17, 1891.

I have received your communication of this date, in which you refer to the unfortunate incident that occurred yesterday, between a number of Chilean sailors and others belonging to the ship under your command.

Before receiving your polite dispatch, the fact had already been brought to the notice of the Department of Justice, which will investigate the culpability of the promoters of the said disturbance.

I have the honor to be, sir, etc.,

J. DE DS. ARLEGUI.

C. /

Order to board of investigation.

U. S. S. BALTIMORE,
Valparaiso, Chile, October 18, 1891.

GENTLEMEN: You are hereby appointed a board to investigate the disturbance which took place on the 16th instant, while our men were on liberty on shore, resulting in the death of Boatswain's Mate Charles W. Riggin and the wounding of six others of the liberty party.

You will please make your report at the earliest practicable moment.

Very respectfully,

W. S. SCHLEY,
Captain, Commanding.

Lieut. S. H. MAY, *U. S. Navy.*

Lieut. JAS. H. SEARS, *U. S. Navy.*

Passed Assistant Surg. S. S. WHITE, *U. S. Navy.*

D.

Report of board of investigation.

U. S. S. BALTIMORE,
Valparaiso, Chile, October 19, 1891.

SIR: In obedience to your order of October 18, 1891, to investigate the disturbance which took place on the 16th instant, while our men were on liberty on shore, resulting in the death of Boatswain's Mate Charles W. Riggin, U. S. Navy, and the wounding of six others of the liberty [party], we have the honor to submit the following report:

On the afternoon of October 16, 1891, about 2 p. m., a liberty party of about one hundred and twenty men went on shore, C. W. Riggin (B. M.), being among the party. During the remainder of the afternoon, our men were seen by several officers

of the ship strolling about the streets in a sober and orderly manner, saluting all officers, American and foreign (especially Chileans).

As far as we have been able to learn from a large number of witnesses who were on shore from this ship, there was no trouble of any moment till a little past 5 p. m. About this time, a large mob made up of civilians, sailors, and soldiers, began throwing stones and shouting "Yanks" at two or three of our men, near a saloon called the "True Blue." From this time on the mob increased, and wherever any of our men could be found they were stoned, beaten, and stabbed.

This was not confined to the above-mentioned locality, but extended up town as far as Plaza Victoria. The trouble was not the fault of our men, but was caused by the bitter feeling of the mob against our men and the desire to rob them, as several cases of men being robbed occurred in broad daylight.

The police not interfering, the worst of the assault lasted about an hour, and there are many complaints made by the men of the brutal treatment at the hands of the police, such as being assaulted with the butts of muskets and kicked, taken to the police station by mounted police, having catgut nippers around their wrists, and in one case the arrested man was taken with a lasso around his neck.

The following are some of the cases of brutality committed by the police:

R. J. J. S. Hodge (S. A. I. C.), U. S. Navy, says that, in company with Davidson, started from the mole to the scene of the riot; they were assaulted with stones; also that an officer, wearing a white cap, struck at him with a sword when he ran; he saw Davidson being beaten and was then himself arrested.

J. Butler (S. A. I. C.), U. S. Navy, says that he saw Hamilton at the police station lying wounded on the floor. He endeavored to make a pillow for him with his shirt, but was threatened with the butt of a musket and made to stop.

C. G. Williams (S. A. I. C.), U. S. Navy, says that he was arrested by a mounted policeman, who put a nipper around his wrist and started his horse on a gallop, throwing him down. After he got on his feet the policeman walked his horse to the station.

C. McWilliams (C. H.) says that he was arrested and taken to the police station with nippers on each wrist and a lasso around his neck, and was also bitten in the arm after being arrested.

J. Quigley (C. H.), U. S. Navy, says that whilst trying to escape from the mob he was struck with a sword by a police officer.

J. Talbot (S. A. I. C.), U. S. Navy, says he was arrested in a saloon where he had closed himself up for safety. He was taken by two policemen (one an officer) to the neighborhood of the intendencia, and was then turned over to one mounted police and one foot police, and nippers placed on his wrists. On the way to the police station he was repeatedly struck by the policemen with their fists. On arrival there it was only by urgent demands of one of the men that Talbot's condition received attention. He was finally taken in company with Panter and Hamilton to the hospital in a carriage.

The men that were stabbed were all stabbed in the back, while either running before the mob, or after having been knocked down on their faces, with stones, etc.

The circumstance of the killing of Chas. W. Riggin (B. M.), U. S. Navy, were as follows:

It appears that C. W. Riggin and an apprentice, named J. W. Talbot, were drinking in a saloon called the "True Blue," with a Chilean sailor. A dispute arose and the Chilean spit in Talbot's face. Talbot knocked the Chilean down and during the fight between them there a mob of sailors and civilians rushed in upon them. Riggin and Talbot forced their way out, and jumped on a passing horse car. The mob boarded the car and forced the two men off the rear platform. They again ran, after fighting their way clear.

The next information we have of Riggin was, he was seen by J. M. Johnson (armorer), U. S. Navy, in the hands of a crowd, being stabbed, Riggin at the time being down and four policemen standing around him. The locality was Calle Arsenal. Johnson saw the stabbing from an upper room of an English boarding-house. The mob left Riggin, and Johnson went to his assistance. He found him face downward, apparently dead, with several stab wounds. Johnson raised him, and after a few minutes Riggin showed signs of life. Johnson attempted to carry him to a drug store near by, but had proceeded but a short distance when he saw a squad of police with fixed bayonets charging up the street. When at close quarters they fired at Johnson, the muzzle of one piece being so near that Johnson's face was blackened by the discharge. A second shot was fired from Johnson's right, the bullet passing over his right breast through his overshirt, undershirt, and neckerchief, and striking Riggin in the neck. His head fell on Johnson's left arm, as though his neck had been broken. Some one in the crowd shouted to Johnson to drop him or he would be the next. Johnson dropped Riggin and escaped. Later in the evening Riggin's body was taken to the hospital.

In addition to the killing of Riggin, a number of men were wounded in different ways, as follows:

W. Turnbull (C. H.) has eighteen wounds in the back, two of them entering the lung; also two contused wounds of head and several other bruises. Some of his wounds were made with a bayonet.

J. Hamilton (C. M.) has a wound of buttock and right loin, two contused wounds of head, and several stabs in back, made with bayonet.

J. Talbot (S. A. I. C.) has two penetrating wounds of back, which entered the lung between the seventh and eighth ribs; also a number of severe bruises about the body.

G. Panter (C. H.) has one contused wound of head and a number of severe bruises.

J. H. Davidson (Lds.) has a contused wound of the head and his body severely bruised.

J. Anderson (C. H.) has two incised wounds of back on left side; one made with a bayonet enters the lung; this wound is downward and slanting, between the seventh and eighth ribs, and is 5 inches in depth. It is of a very serious nature.

W. Caulfield (P. M.) has a severe contusion of right knee and calf of right leg.

J. Quigley (2 C. F.) has severe sprain of right thumb.

F. Clifford (Drum.) has contusion of left eye.

M. Houlihan (2 C. F.) has an incised wound of left thumb, extending down to the bone and joint, and may leave him a stiff joint.

F. Smith (S. A. I. C.) has incised wound of the scalp on right side and his body is severely bruised.

J. Butler (S. A. 2 C.) has an incised wound on right side of scalp; also a severe contusion of right arm and leg.

J. McBride (I. C. F.) has an incised wound of left wrist, and a contused wound at back of head.

J. Gillen (C. H.) has a sprain of left wrist.

W. Lacy (C. H.) has contused wound of back of head and incised wound of elbow joint, which may leave him with a stiff joint.

R. W. Hodge (S. A. I. C.) has two contused wounds of the head, made with a blunt instrument.

J. Rooney (C. H.) has body severely bruised by clubs and stones, which may be followed by pneumonia.

H. Fredericks (O. S.) has an incised wound over right eye, which will leave a very ugly scar.

Thirty-six of our men were arrested, five of whom were sent to the hospital on account of their wounds, and thirty-one confined in the police station.

We believe that most of the sailors mentioned in the mob were men who were recently discharged from the Chilean fleet. In one case Chilean men-of-war's men assisted one of our men against the mob.

The statement that has been made that our men went ashore armed is false, as the only evidence to support this statement is the list of arms said to have been taken from our men by the police, which is as follows:

Seven ordinary pocket-knives.

One iron pestle (about 4 inches long).

Very respectfully,

S. H. MAY,
Lieutenant, U. S. Navy.

JAMES H. SEARS,
Lieutenant, U. S. Navy.

STEPHEN S. WHITE,
Passed Assistant Surgeon, U. S. Navy.

To W. S. SCHLEY,
Captain, U. S. Navy, commanding.

E. F. (See telegrams of October 20 and 23.)

G.

Captain Schley to Mr. Egan.

U. S. S. BALTIMORE,
Valparaiso, Chile, October 22, 1891.

SIR: In accordance with instructions received from the honorable Secretary of the Navy, I have the honor to inform you that I have instituted a board of investigation, composed of carefully selected officers, to investigate the causes leading to the dis-

turbances which took place on the evening of October 16, while my men were on liberty on shore at this place, during which Boatswain's Mate Charles W. Riffin was killed, Carpenter's Mate John Hamilton, Landsman John H. Davidson, Seaman Apprentice John W. Talbot, Coal-heaver Jerry Anderson, Coal-heaver George Panter, and Coal-heaver William Turnbull were dangerously stabbed with dirks and bayonets, were assaulted and beaten with clubs and knocked down with stones, while many others of the crew were less seriously injured.

As nearly as the origin of the outbreak can be established it may be traced to a quarrel between Riffin and a Chilean sailor about 6 p. m. in a saloon. It appears that Talbot came into the saloon at that moment, and approaching them, he states that the Chilean sailor spit in his face and that he knocked the sailor down. At all events, there appears to have been a crowd on the outside ready and waiting, as numbers of men immediately rushed into the saloon and began the assault on these two men. They escaped and took refuge in a street car then passing, but were assailed there and dragged from the car and Riffin was stabbed in the back many times by the crowd and left to die in the street. When he was picked up by a shipmate, Armorer Johnson, and in his arms to be taken to a drug store near by, a squad of police appeared on the scene and one of the number deliberately fired upon these two men. One of the shots entered Riffin's neck, killing him almost instantly.

Talbot escaped with a number of severe stab wounds in the back, two of which penetrated the lungs, and was arrested by the police subsequently in a house where he had fled for safety.

Coal-heaver Jerry Anderson was robbed by a mob of at least 25 persons in broad daylight, and then knocked down and dangerously stabbed several times in the back, one wound penetrating the lungs. This occurred before the disturbance later in the afternoon.

Coal-heaver William Turnbull was stabbed eighteen times in the back and beaten with clubs. As two of the wounds penetrated the lungs, his condition is most critical.

Carpenter's Mate John Hamilton was knocked down with stones and then stabbed seriously in the buttock, groin, and back, and has many other bodily injuries. He was afterwards brutally dragged, in an unconscious condition, by two policemen to the carcel.

Coal-heaver George Panter and Landsman John Davidson were severely wounded with stones, clubs, and cut with knives. Many others of the crew were assaulted and stoned and clubbed and cut with knives, though to a less serious extent. Complaint is made by several men that after the arrest they were nipped with catgut cords and dragged to the station. In one case a lasso or lariat was used.

The fact that a number of wounds are recognized as bayonet wounds would appear to point to police participation in some few cases, though I am glad to be able to say that there were some instances in which the officers intervened most courageously to protect our men against the mob.

Thirty-six of my men were arrested and detained in prison and in hospital, then examined and ultimately discharged, as no proof of their guilt could be adduced. I can personally bear witness to the sobriety, orderliness, good behavior, and politeness of my men to Chilean officers up to 5:30 p. m., when I left the shore, returning to my ship. This fact is corroborated later by many eyewitnesses on shore at or after 6 p. m., when the disturbance occurred.

It is believed that the assault was instigated by Chilean sailors recently discharged from the transports, together with the longshoremen, and that it was premeditated. Several of the men were told to keep within doors after night as an assault upon them was intended by the crowds. That this was so is shown from the attacks made in widely separated localities in the town while the men were at supper in hotels and restaurants. It is not believed that the sailors of the Chilean fleet assisted in this work of butchery, as there are instances in which some of them generously assisted our men against the mob and into places of safety, and it is a pleasant duty to dispel this infamous idea, as published in the press of Valparaiso.

I can assure you most positively that my men were unarmed and defenseless, and the fact that the police authorities failed to discover an instrument beyond several small pocketknives and a small iron pestle about 4 inches long such as druggists use, that could deserve the name of a weapon, is a most complete refutation of this charge.

I transmit a copy of the report of the board, and would add that the testimony therein given is corroborated by a score or more of eyewitnesses who denounced the assault as unprovoked and brutal beyond expression.

In times of peace, in the port of a nation with whom we are on terms of amity and friendliness, this brutal assault and butchery of my men is an indignity of such gravity that I have been obliged to refer it in plain terms to the honorable Secretary of the Navy, and in transmitting the report to you I feel certain that it will receive,

both from yourself and from the authorities, that attention and that serious consideration which it merits.

I must add that his excellency the intendente of Valparaiso and his honor the Juez de Crimen were most humane in hastening the hearing of my men and in promptly discharging them when no guilt appeared.

I have, etc.,

W. S. SCHLEY,
Captain, Commanding.

H.

The Intendente to Captain Schley.

[Translation.]

REPUBLICA DE CHILE, INTENDENCIA OF VALPARAISO,
October 22, 1891.

The judge of crimes, in an official letter dated yesterday, informs me as follows: "This court having temporarily withdrawn with respect to all sailors of the North American cruiser against whom it was proceeding in relation to the lamentable disorders occurring on the evening of October 16th of the present month in the Arroyan district of this city, the undersigned has resolved to place at the disposition of the captain of that vessel the money and other articles which the police found in the possession of the detained sailors, in order that through him they may be returned to their respective owners.

"The undersigned therefore begs the intendente to have the goodness to see returned into the hands of the captain of the *Baltimore* the things referred to, which are returned with this note, advising him that in accordance with the proceedings the captain ought to give a corresponding receipt.

"I annex an authorized copy of the reports of the police with regard to the things alluded to and to the sailors in whose possession they were found. It will enable the captain to make the indicated distribution.

"I avail myself of this opportunity to communicate to you, in order that you may be pleased to convey the same to the American admiral, to the senior officer who may be in this harbor performing his duties, that the judicial investigation in relation to the aforementioned occurrences is about to terminate."

I have the honor to transmit to you for your information, adding to it, captain, a certified copy of the things to which the preceding official communication refers that are deposited in this intendencia. I hope that you will do me the kindness to send to take back the money and things referred to to-morrow at 12 o'clock, at which time I shall be at your service.

God guard you.

J. DE DS. ARLEGUI.

I certify that the list of articles found in possession of the following sailors:

Gilbert Hodge, \$7.50.
A. Priift, \$4.
W. Lacy, \$7.
C. Boyl, \$11.
B. Braum, 1 pound, penknife, \$2.
J. Nudison, 40 cents.
Eduardo Dancke, penknife, \$8.25.
Guillermo Cristien, \$16.
Patrick Egan, 8 pounds, \$7.50.
Carlos Guth, 1 penknife.
W. H. Nicols, 1 pound, penknife.
H. Cunmangham, 1 knife.
J. W. Talbot, 1 penknife.

Francisco Smith, 90 cents.
H. Frederich, 4 pounds, \$1.60.
Juan Praidy, 50 cents.
Neil Bonel, \$8.15.
J. W. Fried, 1½ pounds.
Enry Jarret, 6 pounds, penknife, and \$5.40.
Andres Nelson, \$8.90.
W. Sullivan, \$10.15.
McWilliams, 2 pounds, \$6.55.
Enry Cass, 1 iron pestle.
Francisco Homeds, 1 pound, \$1.15.
A. Crauson, 1 penknife.

conforms with the notation in the reports sent by the police on the 16th instant.

The sum total of Chilean money is one hundred and six dollars and ninety-five cents and twenty-four and a half pounds sterling.

In addition to this, there is one pound sterling and forty cents besides belonging to the dead sailor.

From the sum total must be subtracted \$13.

Duncan received \$2, Frederick \$1.60, Jarrerd \$4, Brown \$1, Egan \$2, Nelson \$2, Sullivan \$1.

Valparaiso, October 21, 1891.

Seven penknives are transmitted and there remains at the court the knife and an iron pestle, as they are prohibited weapons.

Valparaiso, October 21, 1891.

This is a true copy of the original.

Valparaiso, October 22, 1891.

AUGUSTIN BRAVO CISTERNAS.

C. MATTA, *Secto.*

I.

Captain Schley to the Intendente.

U. S. S. BALTIMORE,
Valparaiso, Chile, October 23, 1891.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of yesterday, transmitting to me the contents of an official note addressed to you by the Juez del Crimen; also a list of articles and money taken from my men by the police when arrested in the evening of October 16.

Lieut. R. M. Doyle is authorized to receive and to receipt for the same.

Very respectfully,

W. S. SCHLEY,
Captain, Commanding.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, *October 24, 1891.*

Capt. Schley informs the Department that his report and the result of the investigation of the attack upon the *Baltimore's* men were sent to the United States Minister at Santiago, on the 23d instant; that the wounded men are now on board, one in a very critical condition.

The United States Minister informs him that he has, as yet, received no instructions upon the matter.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, October 24, 1891.

Mr. Tracy asks Capt. Schley, at Valparaiso, if he gave notice to the Chilean authorities of his intention to give his crew liberty, and if the men of the *Baltimore* were attacked in different parts of the city and at different times, or were all injured in a single attack.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, *October 26, 1891.* (Received October 26.)

Capt. Schley reports that no notice of an intention to give liberty was necessary or required; that men from the other foreign vessels in port had been getting liberty on shore for the previous month, and that the men from the U. S. S. *San Francisco* were given liberty before her departure, all excitement having subsided. He states that his men had been on shore four hours before they were attacked; that they were attacked in different parts of the city, and that the attacks lasted for some time. He reports the death of Turnbull, one of the men wounded on the 16th and mentioned as being in a critical condition in telegram of the 22d. Mr. Egan will be informed.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, October 30, 1891.

Mr. Tracy informs Capt. Schley that the *San Francisco* has left Callao for Mare Island. He refers to the gravity of the situation, and instructs Capt. Schley to be careful to give no provocation and to be on his guard against surprise.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, October 30, 1891.

Mr. Tracy instructs Capt. Schley, at Valparaiso, to report the manner in which the *Baltimore's* men were arrested and taken to prison; the circumstances attendant upon their signing a paper in Spanish; the number of wounded, and their present condition.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, *October 31, 1891.* (Received November 1.)

Capt. Schley reports in answer to the Department's telegram of the 30th that Petty Officer Johnson states that Boatswain's Mate Riffin was killed while in his (Johnson's) arms, and that the fatal wound was given by the police guard; that Apprentice Williams states that he was arrested by a mounted policeman, who placed catgut nippers around his wrists, and started his horse into a gallop, by which he (Williams) was thrown down, after which the policeman walked his horse; that Coal-Heaver McWilliams was arrested and taken to prison with catgut

nippers around his wrists and a lasso around his neck, and that he was bitten in the arm after being arrested; that Coal-Heaver Quigley, while trying to escape from the mob, was struck by a police officer with his sword; that Apprentice Talbot was arrested, had catgut nippers placed around his wrists, and, on his way to prison, was repeatedly struck by the police; that Petty Officer Hamilton, being dangerously wounded and unconscious, was dragged off to prison, and that when one of his shipmates tried to make him more comfortable he was made to desist under threats of being struck with the butt of a musket.

The men of the *Baltimore* in prison were examined secretly, although an officer of the ship was sent to court to request that he be allowed to be present at the examination. This request was denied, and statement made that the proceedings were secret. The men of the *Baltimore* were required to sign a paper, drawn up in Spanish, before being discharged, and when one of them asked a court official to explain the meaning of the paper his request was denied, and he was informed that it was nothing but mere form, and that the signer took no part in the trouble. Two of the *Baltimore* men attacked are dead, three dangerously wounded, and about fifteen slightly. The surgeons believe the wounded are out of danger. There are eight Chilean men-of-war here; some under repair and not very well manned.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, October 31, 1891.

Capt. Schley states that he has returned from Santiago. He reports as to the condition of the ship's bottom, and states that he is under steam and ready for any service required.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, November 1, 1891.

Mr. Tracy instructs Capt. Schley not to allow any of his men to appear at a secret investigation, or if not accompanied by an officer who can speak Spanish, and calls for a report of the number of men granted leave on October 16, and if any Chileans were arrested when the men of the *Baltimore* were arrested.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, November 2, 1891.

Capt. Schley reports that 117 men, about one-third of the crew of the *Baltimore*, were given leave on October 16, and that his men say about a dozen Chileans were arrested, there being no other source of

information. He states that it was not his intention to allow his men to appear at any secret examination, or in any case unaccompanied by an officer. There is no appearance of hostility.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, November 6, 1891.

Capt. Schley reports from Valparaiso that the Chilean authorities request the appearance of several of the wounded men of the *Baltimore* to confront with arrested parties, and that he has consented on the condition that the *Baltimore* men are allowed to testify in their own language and openly, not secretly, and accompanied by an officer, but that the wounded men will not be able to appear for some time.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT.

Washington, November 7, 1891.

The Department approves of Capt. Schley's action in regard to the men appearing, and instructs him that the evidence of the men must be taken in English and then read over to each witness and signed in duplicate by the same. One copy is to be kept by Capt. Schley and one sent to the Department. The expense of the duplicate copy is authorized.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, November 8, 1891.

Capt. Schley reports that there is no truth in the newspaper rumor that the *Baltimore* has been sunk.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, November 10, 1891.

Capt. Schley reports having received a letter from the intendente which shows that the investigation now taking place by the authorities is like our inquiry by grand jury to establish an indictment; the proceedings therefore are secret, and his men are requested to appear, accompanied by an officer as interpreter, and the evidence to be given in English. He requests instructions before making a reply.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, November 10, 1891.

The Department acknowledges the receipt of Capt. Schley's telegram of the 10th, and instructs him to accept the proposition therein referred to on condition that a copy of the evidence as given in English, read over and signed by the witness, is furnished, which send to the Department.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, November 13, 1891.

Capt. Schley states that the judge of the criminal court informs him that the Chilean laws will not permit him to give a copy of the evidence under the terms contained in the Department's telegram of November 10, as proceedings taken to substantiate criminal judgment and in a state of inquiry require secrecy. He reports that his men will not appear unless the Department so instructs.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, November 13, 1891.

The Department acknowledges the receipt of telegram of the 13th and waives copy of the evidence, but instructs Capt. Schley that the deposition of each witness must be read over and subscribed and an officer thoroughly conversant with Spanish must be present.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
AT SEA, LAT. 24° 24' N., LONG. 112° W.

November 14, 1891. (Received at Navy Department Nov. 25.)

SIR: I have the honor to transmit herewith the originals of three letters in Spanish, together with translations of the same, addressed to me by Ysidoro Errazuriz, then secretary of foreign affairs of the Chilean Junta Government. Thinking that these letters may, at some future time, be of value and importance to the Government, I send them so that they can be placed on the files of the Department. I have retained certified copies of these letters.

Very respectfully,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

A.

[Translation.]

IQUIQUE, May 13, 1891.

ESTEEMED SIR: By the cablegrams of the Associated Press this provisional government has learned that the transport *Itata*, detained in San Diego by order of the Government of the United States for having taken on board munitions of war and being in charge of Marshal Gard, left the port carrying on board this functionary, who was put ashore at a neighboring point on the coast, and continued her voyage.

This Government has known directly nothing else of the acts of the *Itata* since she left San Diego.

If this notice should be exact this Government would deplore the conduct observed by the *Itata* and, in testimony that it is not disposed to support or accept the infraction of the laws of the United States the undersigned takes advantage of the personal relations which you have had the goodness to maintain with him since your arrival in this port, to declare to you that his Government would put the *Itata* with the arms and munitions that she embarked in San Diego, as soon as she will be within reach of our orders, at the disposition of the Government of the United States, through your worthy agency, in order that the laws of your nation may follow their course, interrupted in San Diego.

I have, sir, the honor to subscribe myself,

The Secretary of Foreign Relations of the Provisional Junta of Government,
YSIDORO ERRAZURIZ.

Rear-Admiral BROWN,
On board the *San Francisco*.

B.

[Translation.]

IQUIQUE, May 13, 1891.

ESTEEMED SIR: I beg you to return to me the accompanying letter with marginal notes if, in your opinion, it does not agree faithfully with our conversation of yesterday and to-day, in order to revise it or complete it.

Yours, etc.,

Y. ERRAZURIZ.

Rear-Admiral BROWN.

C.

[Translation.]

IQUIQUE, May 17, 1891.

ESTEEMED SIR: I would thank you to understand my letter of the 13th of the present month was intended to convey to you the declaration that it was the proposition of the Junta de Gobierno to return to the authorities of the United States the *Itata*, with the arms and ammunitions of war which she received in San Diego by means of the schooner *Robert and Minnie*.

Salutes you.

The Secretary of Foreign Relations of the Provisional Junta,

Y. ERRAZURIZ.

Rear-Admiral BROWN,
On board the *San Francisco*.

Rear-Admiral Brown to Mr. Tracy.

U. S. FLAGSHIP SAN FRANCISCO,
At Sea, Lat. 27° N., Long. 114° 22' W., November 14, 1891.

SIR: On the 10th instant, at 3 p. m., when this ship was under way and steaming out of the harbor of Acapulco, Mexico, I received a cipher dispatch, the following being a translation of the same:

Did you invite any Chilean officers to accompany you on board the *San Francisco* to witness the landing of the Chileans at Quinteros? Did you or any of the officers or your crew, on return on that occasion to Valparaiso, Chile, communicate information about what you saw to any person not connected with your vessel?

TRACY.

To the above message I replied :

Did not invite or take any Chileans. I invited foreign officers. Only German went. No one from this ship gave informat on. Full information about landing was known at Santiago and Valparaiso before I sailed at noon.

BROWN.

Before I left Valparaiso there were published and discussed many misrepresentations and falsifications bearing on my going to Quinteros, which I am satisfied emanated from the large English colony at Valparaiso, as a part of their preconcerted plans for injuring all Americans in a commercial sense, as also to sustain and strengthen their well-known position with the many sympathizers with the insurgents.

The subject was freely discussed by them during the time the insurgents were investing Valparaiso, and as soon as the city fell into their hands and Congressionalist papers, which had all been suppressed by the Government, began to be issued, the subject was occasionally referred to. I was called a "spy," etc., by them. To all this I paid no attention, except on two occasions, to which I will refer later on.

As explanatory to my telegram from Acapulco, I consider it proper that I should place on record the following detailed statement in connection with the subject referred to:

At 9:30 a. m. on August 20 I went on shore, and when near the intendencia met Maj. Herara, of Vice-Admiral Viel's staff, who speaks English perfectly. On asking if there was any news, he replied that the opposition had landed in force at Quinteros at daylight, and that this fact was known to everybody.

To verify this statement I went immediately to the office of Vice-Admiral Viel, intendente of Valparaiso, and on meeting him he informed me that it was true that a landing had been made at Quinteros and that he had informed the President. He gave me the names of all the ships of war, transports, and tugs, and said that about 10,000 men were in the expedition. I asked him if he was sure that a landing had been effected. He then detailed to me the facts that at early daylight that morning he had received a telephone message from the observer at Valparaiso light-house, reporting that a large number of vessels were entering Quinteros Harbor.

Soon after this, and before 7 o'clock, he received a telegraphic message from the operator at Quinteros, stating that the opposition were landing a large force, and giving the names of armed vessels, transports, and tugs, and saying that the operator would move his instrument back to a safe point about 3 miles distant, and when connected would report further. At about 8 o'clock the operator reported that the advance of the insurgent force was within a mile of his station, and that he would abandon it at once. At 9 o'clock (a half hour before I had this interview with Viel) he had received a report from Vina del Mar, stating that the enemy was in sight on the high lands on the north bank of the Aconcagua River.

I asked the admiral what the Government was going to do to oppose the advance of the insurgents? He said that the government forces had advanced and that fighting would probably take place to the north of the Aconcagua River; that the insurgents would be attacked and driven back to their ships at Quinteros. He allowed me to look at the maps, and pointed out the location of the insurgents at that time, and the routes which the government troops would take. I then asked Admiral Viel if this information was to be considered confidential, and he said "No, it is known to every man, woman, and child in Valparaiso and Santiago." (This statement of Admiral Viel was

subsequently, at my request, repeated by him in the cabin of the German flagship *Leipzig*, in the presence of Rear-Admiral Valois of the German Navy, and Capt. Sampson of this ship.)

I left the intendencia and walked several squares along the principal street, returned to my boat, and came on board shortly after 10 o'clock. On the street and in the plaza I met several acquaintances, including the United States consul, Col. McCreery, and by every one was told of the landing at Quinteros. As I neared the landing long lines of railroad cars were being loaded with troops, and some trains had started for Vina del Mar.

On coming on board I sent an officer to the German and French admirals and to the senior English naval officer, and informed them that I would get under way about noon, go to the vicinity of Quinteros, and return that evening, and that I would be happy to take any officers with me.

They all knew of the landing having been made. Only one officer, a German lieutenant, came on board to accompany me, and he was the only person who went to Quinteros with me who did not belong to this ship.

I never even intimated that I would take a Chilean with me, and most certainly would have declined to do so had anyone of that nationality applied.

We got under way a few minutes after noon (the engine room log showing that the engines were started ahead at 12:03 p. m.), and steamed to Quinteros, a distance of 18 miles. We made a turn around the bay and returned to Valparaiso, where we anchored at 4:50 p. m.

Both going and returning we passed two of the insurgent ships, which were under way and evidently on picket duty, and which were in sight from Valparaiso. I did not communicate with these ships, nor with anyone at Quinteros, because I knew if I did so that it would be said in Valparaiso that I had given information to the Congressionalists.

While returning from Quinteros, I had cipher messages gotten ready for the Department and for Capt. Schley of the *Baltimore*, who was then at Coquimbo. My message to you reported the landing at Quinteros; that to Captain Schley ordered him to proceed to Valparaiso with dispatch. These messages were taken on shore by an officer as soon as we anchored (he reached the landing at about 5:10 p. m.), and he had to go to Admiral Viel to have my message to you vised by him and to get him to send the one for Capt. Schley by the Government land line, which was then the only means of telegraphic communication with Coquimbo. My cablegram to you had to be vised by the intendente, as the Government agent at the cable office would permit no messages sent that had not received the "visto bueno" of the intendente.

The officer returned on board very promptly, and gave me additional information of the movements of the two opposing armies, and by far more than anyone on board of this ship could have imparted, as all we knew was that the insurgents had landed and that the great majority of them had advanced towards the Aconcagua River, which is just 12 miles from Quinteros, and which the main body must have reached before we anchored at Valparaiso, as ten hours had elapsed since their landing.

When in Santiago, on the 10th of September, I was told by our minister, Mr. Egan, Col. Spooner, and Mr. Demorest that before 11 o'clock on the forenoon of August 20 (the day of the landing) they knew of the landing and that it was known to everybody on the streets.

The two occasions on which I referred to the abusive and utterly false accusations, which were repeated in the English clubs and mentioned in the papers, were first, when I called on Admiral Montt, president of the junta government at Valparaiso, on the afternoon of August 29, the day after the fall of the city, when I told him of the remarks that had been made by people in Valparaiso about my going to Quinteros. I told him what I had learned before starting and of all the information I had obtained, and was particular in explaining to him and impressing on him that what I told him was not in any way to be considered in the light of an apology, but only in order that he should be in possession of all the facts.

The second occasion of my referring to this subject was on September 6, in a personal letter to our minister at Santiago, Mr. Egan, in reply to a personal note from him of the day previous. I replied at once in a personal letter to Mr. Egan, and gave him in substance the facts I have stated above relative to my trip to Quinteros.

My letter was published in several of the Santiago papers (which are generally read in Valparaiso); but that part of my letter which stated that I informed Admiral Montt that I had done nothing to apologize for was left out.

In this connection I would state that during the time this ship and the *Baltimore* were in Chilean waters no official act or word on the part of any officer or man of the two ships could possibly have been construed as being in any way other than in the line of the strictest neutrality.

I here state most emphatically that any report, no matter by whom made, relative to my visit to Quinteros Bay on the 20th of August last, which differs from the above statement is an absolute falsehood, deliberately fabricated for the single purpose of discrediting American interests in Chile.

Very respectfully, your obedient servant,

GEORGE BROWN,
Rear-Admiral, U. S. Navy.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, November 21, 1891.

Inquires time of day at which the *Baltimore* men went ashore on October 16.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, November 21, 1891.

Reports that the liberty men went ashore about 2 p. m. on October 16. States that testimony before court was given yesterday and that two other men are ready to testify if wanted.

Capt. Schley to Mr. Tracy.

U. S. S. BALTIMORE,
Valparaiso, Chile, November 25, 1891.

SIR: I have the honor to make the following supplementary report to that of October 23, 1891, relating to matters connected with the assault upon my men on October 16 last, and which have transpired since that time.

Before the examination of my arrested men had been made by the judge of the court, I called upon the intendente of the province and requested that it be hastened as much as possible, and asked to be represented at the court. The intendente informed me that the matter having been placed in the hands of the department of justice he could do no more than exercise his friendly offices with the judge, but that he would advise me to see that officer, who he thought would be better able to tell me what could be done under the circumstances.

I called upon the judge at his court, but was informed that his honor was absent and would not return to the court for two hours. Under these circumstances, I returned to the ship and sent Lieut. J. H. Sears to make my request for representation at the examination of my men. Lieut. Sears returned to the ship at sundown and reported that he had made the request to be present to represent me, but that he had been refused this permission by an official of the court on the ground that this process was secret under the Chilean laws, and for this reason his presence at the examination could not be allowed.

On October 20 I received the letter (marked 1) from the intendente, written to him by the judge of the court in reply to my inquiries relating to the examination of my arrested men. It will be observed that the process was secret but proceeding rapidly to a conclusion, and that it would be impossible to enter more into details without violating the secrecy of the investigation. This examination being concluded in the court's own way, the men were discharged, but before being given their liberty on October 17 and 20, each man was required to sign a paper, the import of which was explained to Lieut. Sears, who was directed to remain about the court, to be merely a form stating that the men were not mixed up in the row and knew nothing of it.

On October 21 I received the Department's telegraphic order (marked 2) directing me to send my report of the disturbance to the United States minister at Santiago. This was done on the 22d of October, accompanied by the report of the board concluded on that day.

On October 22 I received a communication from the intendente (marked 3), placing at my disposition the money and other articles taken from the men when arrested. As my men were discharged and their effects restored, the court was unable to find any charges against them. From that day until this no information has been conveyed to me that there were any charges against my men. I replied to this letter of the intendente in a communication (marked 4), in which Lieut. R. M. Doyle was authorized to carry out its terms. All the money taken from the men and seven small pocket knives were returned to Lieut. Doyle, who receipted for them. I invite special attention to the fact that when my men were arrested and searched in prison by the police on the evening of October 16 only seven small pocket knives and one small pestle, such as druggists use, were found in their possession. The knife mentioned was not used by any of my men. This conclusive evidence from the Chilean authorities is the completest answer and refutation of the charge that my men were armed on that occasion.

I ought to state that I did not give notice that I was going to give liberty for the reason that it has never been required by the authorities here, but in the small places along the coast or in making our first appearance in a port on the station, it is usual to speak to the intendente or mayor to ascertain the port regulations in this respect. This I had already done at Valparaiso; therefore, on my return from Mollendo on September 14, the captain of the port sent his representative to welcome us to the port, its courtesies, and its hospitalities; nothing more was ever customary. My telegram dated October 25 (marked 5), in reply to that from the Department on the same day (marked 6), was intended to explain this matter.

On October 25 Coalheaver William Turnbull, after a severe struggle for his life, died from his wounds. I am almost sure that if Turnbull could have been brought off to the ship the morning following the assault on him, where he could have had the more careful and skillful treatment of our own surgeons, his life might have been saved, but detained as he was for several days in the prison ward of the San Juan de Dios Hospital, where his wounds were hardly attended, and surely not properly, this poor fellow had a losing battle to fight when he was finally handed over to us. I think this however was attributable to ignorance rather than to intentional neglect. During the time my wounded men were in the hospital I sent a medical officer of the ship to visit them daily, but they reported that under the rules of the hospital they were forbidden to do other than make the patients as comfortable as the surrounding circumstances would permit. Turnbull was buried with military honors on October 27, as was Riggins on October 19. At Turnbull's interment the funeral party were protected by six or seven mounted police.

On October 29 I received a letter from the intendente (marked 7), asking for all facts in my possession bearing upon the disturbance of October 16. As this matter had been transferred by the Department's order to the minister at Santiago, I replied to the intendente in a letter (marked 8), in which I informed him that as the matter had been transferred to our minister I regretted that I was unable to inform him directly, though I had no doubt that if application was made to the legation he would be able to obtain what was desired. On November 1 I transmitted a letter (marked 9) to our minister, in which several names of persons cognizant of facts were given.

My telegram of October 31, inquiring the manner in which the men were arrested, was replied to that same day. It is inclosed (marked 10). In this connection I would state that the men, whose names it has and whose statements it conveys, declare without hesitation that all the facts given are absolutely correct. I have added their names to those sent to the minister, in a letter I addressed later to the intendente. November 3, 1891, I received a letter (marked 11) from our minister in Santiago in which he informed me that as the intendente of Valparaiso might accept my letter as final and might not request the information through the department of foreign relations, he thought it might be well for me to put myself again in communication with the intendente, which I did at once in my letter of November 3 (marked 12), giving additional names among my crew, but informed him as far as my men were concerned I could only allow them to give evidence in English, openly and not secretly, and that I was to be allowed to see their testimony.

On the 1st of November I received a letter from the minister with an inclosed translation of a letter (marked 13) from the minister of foreign

relations containing a report of the intendente of Valparaiso touching the disturbances of October 16 last. As the minister was anxious to have an early reply, I transmitted him my letter (marked 14), in which I merely referred to the remarkable statements in the intendente's report that was quite inexact in the absence of important testimony not yet given or known by the court.

On November 2 your telegram (marked 15) was received, asking the number of men on leave, and followed by a statement of the conditions under which they were to be allowed to appear before the court. My reply, dated November 3 (marked 16), acknowledged the conditions demanded by the department. I then furnished our minister at Santiago with copies of these two communications that he might be fully informed of each step of the proceedings going on here.

On the 15th of November I received a letter from the intendente (marked 17) containing the names of several of my wounded men whom the judge had cited to appear for the purpose of confronting them with the persons in the custody of the court for complicity in the disturbances of October 16 last. To this communication of the intendente I replied in a letter dated November 6 (marked 18), in which I reaffirmed the conditions of my letter of November 3, and at the same time requested the judge to name some day in the near future, when my wounded men's health would enable them to appear, accompanied by an officer. On this same day I sent a cablegram dated November 6 (marked 19), relating to this request, indicating to the Department that I had assented to the men's appearance and stating the conditions under which they might appear. Your reply, dated November 7, approving my action is marked 20.

At this point of the proceedings I addressed a letter dated November 6 (marked 21), to the intendente of the province, requesting courtesies and protection for my officers, my men, and for my market boats when on shore, as was accorded to all other foreign vessels lying in the harbor, and especially the Germans, whose boats had been molested. Before doing this I had sent an officer on the 23d or 24th of October to ask these same privileges, but which at that time his excellency was unable to decide or even to advise beyond the expressed opinion that he thought the officers would not be interfered with, but requested that market boats should not be sent. Waiting, therefore, nearly two weeks without any further expression from the intendente, it occurred to me as necessary under the circumstances to obtain some official expression of opinion upon this matter. I transmit his reply dated November 6 (marked 22), from which it will be seen that he was willing to do as requested.

On November 9 the intendente forwarded me a copy of the judge's decision (marked 23), in which all the conditions I had proposed about the men's appearance had been rejected on the ground that they were opposed to the Chilean laws governing the secrecy of criminal proceedings while matters were still under inquiry, except that their evidence could be given in English through an interpreter we might designate.

As this decision was contrary to my instructions which gave me no discretion, my telegram dated November 10 (marked 24) was sent explaining that the preliminary examination was rather in the nature of an inquiry by grand jury to establish indictments and to that end the proceedings were secret, though I was impressed by the fairness of the proposition. When your reply, dated November 11 (marked 25), was received directing me to accept the proposition of the court, but renewing the claim for a copy of the evidence as signed after being

read over by the witnesses, I addressed my letter to the intendente, dated November 11 (marked 26), in which I accepted his proposition to allow my men to be accompanied by an officer as interpreter and to declare through him in English on condition that I should be furnished with a copy of the evidence given after being read over and signed by the witnesses; my Government to pay the expenses of this copy to be furnished.

To this letter I received the replies of the intendente dated November 11 and 12 (marked 27 and 28), from the latter of which it will be seen that the judge adheres to his decision as given in his letter dated November 9 (marked 23), except that the men might be accompanied by an officer as interpreter, and that they might declare in English. Under such circumstances the department's condition that a signed copy of the witnesses' testimony be furnished me having been rejected by the judge, I cabled you under date of November 13 (marked 29) for such decision as might seem proper.

As soon as your instructions (marked 30) were received waiving a copy of the evidence and merely requiring the proceedings to be authenticated by the interpreter, I wrote the intendente the letter inclosed, dated November 17, 1891 (numbered 31), in which I informed him that my men were able to appear and requested that his honor might appoint the earliest practicable date for the hearing and that my men would be accompanied by an officer as interpreter, who would authenticate such testimony as was given. To this letter the intendente replied on the same day in a letter (marked 32) informing me that he had forwarded my letter to the judge.

On November 18 I received from the intendente two letters, one (marked 33) in which the judge expressed his willingness to give all the copies which may be asked of the declarations taken in the examination of the sailors of the *Baltimore* and other witnesses, when the pending process had reached that point where the legal secrecy exacted by its present state was no longer required. The other (marked 34) in which he informed me that the examination in the pending cause would take place on November 20, from 3 to 4 in the afternoon.

At the time indicated by his honor I sent Lieut. McCrea, who spoke Spanish quite well, to accompany the men mentioned in my communication of November 3 (marked 12), and that of November 6 (marked 18). These men testified at the hour appointed by his honor the judge, and their testimony, read over and signed by them, was then authenticated by Lieut. McCrea, who returned with the men to the ship about 9:30 p. m. of that same day.

In this connection with this unfortunate affair, it has been observed with some regret that not one of the Chilean newspapers that I have seen, has ever expressed any demand for a full and conclusive investigation of the circumstances. On the contrary, they have sought to treat it as an offense of the *Baltimore's* crew, and they have industriously spread the idea that the brutal butchery of two of my men and the grave wounding of five others was a trifling affair.

The investigation is still going on, and I am not informed what stage of it has been reached at this writing.

Very respectfully,

W. S. SCHLEY,
Captain U. S. Navy.

The Intendente to Capt. Schley.

(1)

[Translation.]

REPUBLICA DE CHILE,
Intendencia of Valparaiso, October 20, 1891.

Under yesterday's date the judge of the criminal court informs me that the proceedings instituted are going on rapidly to their conclusion, relating to the unfortunate occurrences of the 16th, which took place between the sailors of the cruiser under your command, Chilean sailors, and longshoremen; as likewise, that it is not possible to enter into more details without violating the secrecy of the proceedings.

In view of this I hope, captain, that I will be able to announce to you very soon the definite termination of this matter.

God guard you.

J. DE DS. ARLEGUI.

(2)

(See telegram of October 20, Mr. Tracy to Capt. Schley.)

(3)

(See inclosure marked H, report of Capt. Schley to Mr. Tracy, October 23.)

(4)

(See inclosure I in report of Capt. Schley to Mr. Tracy of October 23.)

(5)

(See telegram of October 26, Capt. Schley to Mr. Tracy.)

(6)

(See telegram of October 24, Mr. Tracy to Capt. Schley.)

(7)

The Intendente to Capt. Schley.

[Translation.]

REPUBLICA DE CHILE,
Intendencia of Valparaiso, October 29, 1891.

The judge of the criminal court, in an official dispatch dated yesterday, informs me as follows:

"In the proceedings instituted against Charles G. Williams, and forty others, in the affray of the North Americans and Chileans under yesterday's date has decreed the following:

"Being expedient to hasten the investigation by utilizing the data which the

captain of the *Baltimore* and the United States consul may have been able to collect about the facts, let an official dispatch be sent to the intendente of the Province, in order to obtain through his agency from the functionaries alluded to the data to which reference is made."

I communicate it to you for the consequent ends.
God guard you.

Which I have the honor to transcribe to you for the ends in view.
God guard you.

E. FOSTER RECABARREN.

J. DE DS. ARLEGUI.

Capt. Schley to the Intendente.

(8)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 1, 1891.

SIR: In reply to your excellency's note dated October 29 I have the honor to inform you that as the matter to which it refers has been transferred by my Government to the minister, Mr. Patrick Egan, envoy extraordinary and minister plenipotentiary at Santiago, I would respectfully state that I am of opinion that if application be made to him your excellency will be supplied with the names of several individuals, who will be able in their turn to give you other names of persons who saw the killing of Riggins and the wounding of a number of others of my men during the lamentable disorders of the 16th ultimo.

Regretting that I am unable to furnish directly the information you have requested, I have the honor to be,

Very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

Capt. Schley to Mr. Egan.

(9)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 1, 1891.

SIR: I have the honor to inform you that the following persons have stated that they are able to testify to facts and can give names of individuals who saw and can recognize some of the mob who assaulted and stabbed my men on the evening of the 16th ultimo.

Thomas Riley, keeper of the "Horseshoe Bar," is now at Santiago with the English Opera Company. He can give the names of a number of people who saw the stabbing and shooting of Riggins and other attacks on my men.

Andres Lofquist, having been an eyewitness, can testify to the shooting and stabbing of Riggins.

Charles Lanctot gave one of our men citizen's clothes and helped him after being chased from the Mole up to the Hotel Colon. He can give names of several others who witnessed the assault and can testify that the men were sober, and saw Riggins and another man dragged from the car and stabbed. He also knows the names of some others who saw the assault.

Edward Parry, at Lever & Murphy's, saw the shooting and the assault on other men. He is an important witness.

John Carthy, a negro now held in jail, saw the killing of Riggins and can name three men whom he says he saw stab him.

Capt. Jenkins of the steamer *Keweenaw* saw the assaults of the mob and can give names of people who saw the assault and are familiar with details.

I have informed the intendente that I had no doubt if application was made to you the information requested in his letter would be furnished, and to that end I inclose his letter to me and my reply.

Very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

(10)

(See telegram of October 31, Capt. Schley to Mr. Tracy.)

Mr. Egan to Capt. Schley.

(11)

SANTIAGO, CHILE, *November 2, 1891.*

SIR: I beg to acknowledge receipt of your two communications of yesterday, with inclosures, and I am also in receipt to-day, of a telegram from the Secretary of State on same subject, copy of which I inclose for your information.

From this telegram you will perceive that the Department of State sees no objection to officers or men of the *Baltimore* giving evidence before the judge of crime, providing they "be accompanied by a friend as counsel and be allowed to express themselves in their own language, openly and not secretly."

As the intendente may take your answer of first instant as final and may not communicate the request for evidence through the department of foreign relations to me I would suggest to you the advisability of again putting yourself in communication with him with a view to the production of this evidence, upon the conditions laid down in Mr. Blaine's telegram, and there could be no objection, now, to your giving the intendente, direct, the names of the witnesses which you have mentioned in your letter to me.

If the evidence be accepted by the authorities upon the conditions, you will no doubt be allowed the privilege of reading the documents signed by the American sailors in their examination by the judge of crime, referred to in your report, in which case you will oblige me by sending me copies, or if copies be not obtainable, a statement of what such documents contain.

I remain, etc.,

PATRICK EGAN.

[Inclosure to foregoing, cablegram received November 2, 1891, 9:45 p. m.]*Mr. Blaine to Mr. Egan.*WASHINGTON, *November 1, 1891.*

None of the officers or crew of the *Baltimore* should be allowed to testify except he be accompanied by a friend as counsel and allowed to express himself in his own language, openly and not secretly. You will ask of Chilean Government the privilege of reading the documents which American sailors signed in secret without understanding and when unaccompanied by counsel.

BLAINE.

Capt. Schley to the Intendente.

(12)

U. S. S. BALTIMORE, *Valparaiso, Chile, November 3, 1891.*

SIR: Since my letter of November 1, referring to the matter of furnishing facts in my possession relating to the disturbance of October 16, I have the honor to say that I can now furnish you with a list of several names of persons who are cognizant of facts bearing upon that unfortunate occurrence.

I have the honor to state that as far as my men are concerned who can testify to indignities at the hands of the police after arrest, I can only permit them to testify if accompanied by an officer as counsel and allowed to express themselves in their own language, openly and not secretly. In this event, I would respectfully request that I may be allowed the privilege of reading the evidence given.

I inclose herewith a list of names that will assist the authorities in their investigation:

Thomas Riley, keeper "Horse Shoe" bar.

Andrews Lofquist, Valparaiso.

Charles Lanctot, Lever and Murphy's.

Edward Parry, Lever and Murphy's.

John Carthy.

Capt. Jenkins, commanding steamer *Keweenaw*.

Dr. Stanley, now on board this ship.

J. M. Johnson, armorer, U. S. S. *Baltimore*.

C. G. Williams, apprentice, U. S. S. *Baltimore*.

P. McWilliams, coal heaver, U. S. S. *Baltimore*.

J. Quigley, coal heaver, U. S. S. *Baltimore*.

J. W. Talbot, apprentice, U. S. S. *Baltimore*.

J. Butler, apprentice, U. S. S. *Baltimore*.

There are several others whose addresses are not known at this time, but I will take pleasure in transmitting them to your excellency as soon as I shall obtain them.

I am, etc.,

W. S. SCHLEY,
Captain, U. S. Navy.

Mr. Egan to Capt. Schley.

(13)

SANTIAGO, October 31, 1891.

SIR: I beg to inclose for your information translations of a note which I received from minister of relaciones exteriores of Chile, conveying official report of the intendente of Valparaiso with reference to the disturbance which took place on the 16th instant with a number of sailors of your ship, and which in the report of the board of officers of your ship, as well as in your own report, is described as an unprovoked and brutal attack upon a number of unarmed and defenseless sailors of the United States.

I shall be pleased to receive your early answer to this report.

I remain, sir, etc.,

PATRICK EGAN.

Señor Matta to Mr. Egan.

[Translation.]

REPUBLIC OF CHILE, DEPARTMENT OF FOREIGN RELATIONS,
Santiago, October 30, 1891.

MR. PATRICK EGAN,

Envoy Extraordinary and Minister Plenipotentiary of the United States:

SIR: As there have been made on the part of the legation of which you are the chief, in a note of the 26th instant, reproaches and imputations against the members and officers of the police of Valparaiso, until the moment arrives to publish all of the summary (sumario) referring to the occurrence of 16th, and that this department should place it in the knowledge of your excellency, the undersigned esteems it necessary and convenient to transmit to your excellency the report in relation to the facts and investigation which the intendente of Valparaiso has been able to make in compliance with his duty and in order to make clear the responsibility and those responsible in the deplorable occurrences of the 16th instant.

The following is the report of Don Juan de Dios Arlegui, in so far as it refers thereto, founded upon the acts and sayings of the immediate chiefs:

"By these facts your excellency will be acquainted with the extremes of inaccuracy of the charges formulated by the honorable minister of the United States against the police of this port. Thence it is entirely impossible that the police could have committed the number of brutalities and cruel excesses that are imputed to them.

"The conflict commenced at 6 o'clock p. m., in the streets called the Clave, San Martin, San Francisco, etc., inhabited by people of the lowest grade and full of saloons and sailors' drinking houses.

"The formation of a crowd in a few moments is very easy in these localities.

"At the intendencia was received information at 6:15 o'clock p. m. In the moment orders were given by telephone to the chief police station, also to that of Santo Domingo, and at the same time to the military guard of the intendencia, so that without losing time there might be brought together the greatest possible force to prevent the conflict. This was done and when the force arrived, particularly the police, at 6:30 o'clock, the mob collected was about 2,000 men, which from the square of Francisco Echaurren to the Passenger Mole, including the streets or calles of Cochrane, Blanco, and the Avenue Errazuriz, formed a real battle field (campo de

agramante) in which all, and especially the American sailors, fought with stones, clubs, and bright arms (*armas blancas*).

"The police and soldiers who arrived at the place only tried to make peace and to arrest those most actively engaged, on account of the state of excitement or drunkenness in which they were, and to disperse the crowd.

"An hour after, at 7:30 o'clock, all was quiet, and the persons captured were placed at the disposition of the judge of crime, who arrived at the place.

"When the police force arrived there was heard, behind the back of the captain commanding, a shot from some firearms. The captain turned around immediately and saw a sailor of the *Baltimore* fall wounded in the neck. The shot had no doubt been fired from a considerable group of people which was there. It was impossible to discover who had fired or who was with firearms, a thing which can be easily understood if there be taken into account the fact that the occurrence took place in the moment in which the police arrived at the Plaza Echaurren. The officer dismounted, attended to the wounded man, and conducted him to the drug store of Señor Guzman, in order to procure him medical attendance, and afterwards sent him to the hospital; unfortunately, however, he died on the way.

"I do not believe, Mr. Minister, that the local authorities could have done more than they did upon the occasion of the unfortunate occurrence, in view of the locality in which it took place, the deficiency of the police to look after this extensive and irregular population, and the imprudence of landing on shore, at one time, 160 men of the crew of the *Baltimore*, according to reports of the police.

"The precise cause of this disorder it has not been possible to ascertain. I do not know if it will appear from the summary now in progress, but everything goes to show that it began by a fight between some drunken sailors, the same as had taken place a few days before between some German and Chilean sailors."

According to the rule which governs criminal proceedings, while the facts are being investigated, the process is kept secret and hence neither the intendente of Valparaiso nor the undersigned is in a position to know more than appears from the declaration and reports of certain and specified persons, and are not able to affirm or deny anything in relation to the result at which the judge may arrive in his investigations, which are the more prolonged and complicated the greater the number of culprits or persons responsible for the crime.

Maintaining the offer made to that legation to communicate whatever may result from the conclusion of the process, and being sure that the real culprits, being discovered, the proper punishment will take place, the undersigned renews to the honorable envoy extraordinary and minister plenipotentiary the expression of his high consideration.

M. A. MATTA.

Capt. Schley to Mr. Egan.

(14)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 1, 1891.

SIR: In reply to your letter of October 31, inclosing a copy of a communication from the minister of foreign affairs, I would state that neither my letter nor the report of the board of investigation charges the police force and its officials as a body with participation. My report to you states that "the fact that a number of the wounds are recognized as bayonet wounds would appear to point to police participation in few cases, though I am glad to be able to say that there were some instances in which the officers intervened most courageously to protect our men against the mob."

Complaints are made by men whose names are given in the report of the board of investigation of brutal treatment of these police into whose hands they fell, and I have mailed to you a number of names of persons who may be able to give information that will lead to a fuller development of all facts bearing upon this disturbance.

Until all information is before the intendente and the investigation shall have been concluded I am unable to understand how he has arrived at the conclusion that the charges made in several instances against the police are inaccurate and could not have been committed by them.

The fact that my men, numbering in few cases more than five or six, were attacked by a mob of 2,000 men, and that those of them who were arrested were found when searched to possess only six or seven small pocketknives, is a complete refutation of the statement that they were armed, as charged by the intendente.

I hope that when the persons are examined whose names I have sent you it will be shown that the opinions of the intendente were expressed in the absence of all facts of the case and are from that point of view inexact.

I can personally testify to the orderly behavior, politeness, and sobriety of a very large number of men whom I met strolling about the streets up to 5:30 p. m., when I left the shore, and as the disturbance originated about 6 o'clock, by Riggin's dispute with a Chilean sailor, at which time Riggin must have been sober, as Mr. Lanctot can testify to his and his companion's sobriety when dragged from the car a few moments before Riggin was killed.

As to who fired the shot which killed Riggin, I think some light will be thrown upon the subject by some of the witnesses whose names I have transmitted this morning.

The attack of 2,000 people upon a few unarmed and defenseless men, and I say defenseless because when searched by the police only six or seven pocketknives were found, and returned to me by the intendente after the men's examination, with the death of one on the spot and one subsequently, and the mutilation by stab wounds in their backs of many others, surely merits to be called a brutal attack.

I have the honor to be, etc.,

W. S. SCHLEY,
Captain, U. S. Navy.

(15)

(See telegram of November 1, Mr. Tracy to Capt. Schley.)

(16)

(See telegram of November 2, Capt. Schley to Mr. Tracy.)

The Intendente to Capt. Schley.

[Translation.]

(17)

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 5, 1891.

The judge of the court of crimes, in an official dispatch dated the 3d of the month, informs me as follows:

"In the trial against Charles G. Williams and forty more concerning the affray of the North Americans with Chileans, under date of October 31, the following has been decreed:

"Let it be put into execution that the wounded sailors of the *Baltimore* be confronted with the culprits in the affray, in order that they may mutually recognize them; and if the former are still in the hospital, let them be summoned to this end.

"If such is not the case, the intendente of the province should officiate by addressing himself to the captain of the ship to obtain their appearance before the judge.

"That which I communicate to you provides that the sailors whose appearance before the judge is solicited are J. W. Talbot, G. Panter, William Turnbull, J. Davidson, and J. Hamilton."

I have the honor to communicate this to you to the end that you have the kindness to order, if it would not be inconvenient, their appearance to which the said judge refers.

God guard you.

J. DE D. ARLEGUI.

Capt. Schley to the Intendente.

(18)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 6, 1891.

SIR: In reply to your excellency's letter of yesterday informing me of the decree of the judge of crimes and citing the appearance of J. W. Talbot, George Panter, William Turnbull, J. Davidson, and John Hamilton, that they may confront those accused, I have the honor to state that my surgeon is of the opinion that their appearance at the court for the present would be inadvisable, as they are still too weak and nervously shattered to undergo the ordeal of such excitement. I would therefore suggest that some hour and date several days in the future be set when I will send them in charge of one of my officers to testify only under the conditions mentioned in my letter of November 3.

William Turnbull, one of the witnesses cited by the court, died of his wounds on October 25.

I have the honor to be, etc.,

W. S. SCHLEY,
Captain, U. S. Navy.

(19)

(See telegram of November 6, Capt. Schley to Mr. Tracy.)

(20)

(See telegram of November 7, Mr. Tracy to Capt. Schley.)

Capt. Schley to the Intendente.

(21)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 6, 1891.

SIR: As my vessel is at the present time lying in the port of a nation with whom my Government is on peaceful and friendly terms, and as I have not been able to allow my officers or men to visit the shore, or to allow a market boat in the morning with the same assurances of protection as are accorded to the other foreign men-of-war, I have the honor to request that both my officers and men be accorded the same privileges, the same courtesies, the same protection when on shore as your excellency's Government accords to the officers, men, and boats of other foreign men-of-war now here, and which are usual among nations in times of peace.

To this end I await your excellency's reply, and I have the honor to be,

Very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

The Intendente to Capt. Schley.

[Translation.]

(22)

REPÚBLICA DE CHILE,
Intendencia of Valparaiso, November 6, 1891.

I have the honor to acknowledge the receipt of your two communications of today, one referring to the appearance of the men belonging to the ship under your command, for the purpose of confrontation decreed by the judge who is conducting the examination in relation to the unfortunate occurrence on the 16th of October; and the other, to the protection you request for the officers of the *Baltimore*, for the crew of the said ship, when it is necessary, or when they wish to come on shore,

and for the daily market boats. For this purpose you remind me that the United States is a power which is at peace with Chile, and which for the same reason believes itself entitled to the same privileges and protection that Chile affords to the people of the other foreign ships at present in Valparaiso.

In regard to the second, this intendencia does not disown the essential incident upon which it is founded, asking the privileges and protection which, as far as it is responsible, it feels disposed to grant to all the commanders, officers, and crew of the cruiser *Baltimore*, which you command. And more, it can assure you that from the time that he, the undersigned, took charge the most clear and definite instructions were given in regard to this matter, and especially with relation to the commanders, officers, and crew of the cruiser *Baltimore*.

To-day the undersigned reiterates these same instructions to the commandant of police, ordering that from 6 to 8 p. m. daily there shall be posted at the entrance to the passenger mole an officer with an appropriate force to protect the market boats that you may send.

But with this idea, I must repeat to you what I said to the officer you sent to me on the 24th or 25th of October, asking me if it would be safe for the sailors that might come on shore. On that occasion I said to the officer before mentioned:

"It is the duty of the intendencia to protect every person that comes on shore; but as it depends for this only on the police force, and as these, according to official documents of which the intendencia is in possession, do not inspire the confidence of the commanding officer of the *Baltimore*, I leave to his discretion and prudence the calculation whether it is proper to allow the sailors to come on shore.

"In regard to the officers, I do not believe there is any hindrance to their coming ashore, and in respect to the market boats, the same precautionary measures will be adopted as when Admiral Valois informed me that his daily market boats were molested at the Mole."

I think it opportune to repeat to-day to you the same as I verbally communicated before by means of the officer to whom I have referred, because, believing that you are animated by the best spirit to avoid anything that might give occasion for a conflict of any kind, I feel sure that you will proceed with your characteristic prudence.

God guard you.

J. DE D'ARLEGUI.

The Intendente to Capt. Schley.

(23)

[Translation.]

VALPARAISO, November 9, 1891.

The judge of the criminal court, in an official letter dated the 6th of this month, informs me as follows:

"I was delayed, Mr. Governor, by the translation of the official letter sent to you by the captain of the *Baltimore*, in which he is good enough to communicate a list of names of persons who can be called to depose in the proceedings that this tribunal has instructed in relation to the disorders of the 16th of October last, and I am pleased to inform you that under the act of this tribunal all of the persons indicated have been cited to appear.

"In his communication the captain also mentions several of the crew of that vessel, but to permit them to come and depose he exacts (1) that they must be permitted to express themselves in their own language; (2) that they may be accompanied at the tribunal by an officer who will act as counsel; (3) that their declaration be public and not secret; (4) that the captain be permitted to read these declarations.

"With respect to the first condition required for the appearing of the *Baltimore's* sailors, you will understand that on the part of this tribunal there would be no difficulty in accepting it, nor would they be able to depose in any other way if they do not possess the Spanish language. I am able to add further in giving every necessary facility to the right and defense of the American sailors this tribunal will accept declaration through an interpreter that they themselves may designate, notwithstanding that in the secretary may be found an official of this nature who has never given any reason why his impartiality and discretion may be doubted.

"It does not happen to be the same with respect to the rest of the required conditions, to none of which could this tribunal accede, as all of them are contrary to the secrecy which our laws of proceedings require in substantiating criminal judgments while these may remain in a state of inquiry.

"The administration of justice in Chile will not be able to accept, Mr. Intendente, without disgrace to its honor and to the prerogatives that belong to the Republic as

a free and sovereign nation, what in virtue of exigencies could neither be justified by law or by rights to make distinctions openly contrary to the laws which our country preserves for the right of all, whether natives or foreigners.

"In regard to this particular, I reproduce, besides, the considerations of my official letter No. 406, of this same date, which I have sent to you in reply to the claim that the United States consul has been pleased to make in regard to the sailor, Patrick Shields, of the steamer *Keweenaw*, and which official letter you may bring to the knowledge of the captain of the *Baltimore*.

"Perhaps without insisting on his requirements the captain may be able to obtain what he desires by sending an officer in his confidence, who is master of the Spanish, and who may serve as an interpreter."

I have the honor to communicate this to you for your information, inclosing also a copy of the official letter No. 406, to which the said judge refers.

God guard you.

J. DE D ARLEGUI.

(24)

(See telegram of November 10, Capt. Schley to Mr. Tracy.)

(25)

(See telegram of November 10, Mr. Tracy to Capt. Schley.)

Capt. Schley to the Intendente.

(26)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 11, 1891.

SIR: I am instructed to accept the conditions of his honor the judge of the criminal court granting the presence of an officer acquainted with the Spanish as interpreter, and that the men of my ship may declare in English during the pending preliminary investigation, on condition that I may be furnished with a copy of the evidence as given in English, read over and signed by the witnesses, it being understood that I will defray any expense incurred in making such copy.

I have the honor to be, etc.,

W. S. SCHLEY,
Captain, U. S. Navy.

The Intendente to Capt. Schley.

(27)

[Translation.]

REPÚBLICA DE CHILE,
Intendencia of Valparaiso, November 11, 1891.

I am pleased to communicate to you that this intendencia has transmitted your official dispatch dated to-day to the judge of the criminal court relative to the confronting at that tribunal of the sailors compromised in the events of the 16th of last month.

God guard you.

J. DE D ARLEGUI.

The Intendente to Capt. Schley.

(28)

[Translation.]

REPÚBLICA DE CHILE,
Intendencia of Valparaiso, November 12, 1891.

His honor the judge of the criminal court, in an official communication, No. 386, dated the 11th instant, informs me as follows:

"This court will hold the pending confrontation between the wounded sailors of the *Baltimore* and the prisoners that are held for the disorders of the 16th, when their condition will permit them to appear in court, for the purpose of receiving their testimony in the usual manner, and with the aid of an interpreter that they themselves may designate, as was indicated by this tribunal in its note, No. 384, of the 6th, addressed to you.

"I have the honor to communicate this to you in reply to your note, No. 3241, and in order that you may be pleased to transmit a copy of this to the captain of the *Baltimore*."

I have the honor to transmit this to you for your information and other ends.

J. DE D ARLEGUI.

(29)

(See telegram of November 13, Capt. Schley to Mr. Tracy.)

(30)

(See telegram of November 13, Mr. Tracy to Capt. Schley.)

Capt. Schley to the Intendente.

(31)

U. S. S. BALTIMORE,
Valparaiso, Chile, November 17, 1891.

SIR: I have the honor to inform your excellency that the men who were wounded in the disturbance of October 16 last are now able to appear as cited by the judge of the criminal court, and will be accompanied by an officer as interpreter, who will authenticate such testimony as may be given.

I would request at the same time that his honor will oblige me by appointing the earliest practicable day for this hearing.

I have the honor to be, etc.,

W. S. SCHLEY,
Captain, U. S. Navy.

The Intendente to Capt. Schley.

(32)

[Translation.]

REPÚBLICA DE CHILE,
Intendencia of Valparaiso, November 17, 1891.

I have had the honor to receive your official letter, in which you do me the favor to state that it is not inconvenient for your sailors wounded in the events of October 16 last, to appear before the judge in the case.

As soon as I may receive an answer from the judge of the criminal court upon your quoted official letter, which I have transcribed to said judge, I shall have the pleasure to communicate it to you.

God guard you.

J. DE D ARLEGUI.

The Intendente to Capt. Schley.

(33)

[Translation.]

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 18, 1891.

The judge of the criminal court, under date of the 16th of this month, informs me as follows:

To the process which this tribunal has instituted with respect to the disorders of the 16th of October last, it has been directed that I reply to you with relation to what the captain of the *Baltimore* asks in the official letter, a copy of which you have been good enough to send with your note, No. 3305, of the 11th of the present month, what follows:

"VALPARAISO, November 13, 1891.

"I will reply to the indendente of the province that this tribunal will be able to give all the copies which may be asked of the declarations taken in this examination by the sailors of the *Baltimore* and other witnesses in the cause when the process having passed to completion may not require the legal secrecy exacted by the present state of the same.

"I tell you this in order that you may do me the favor to bring to the knowledge of the captain above named the contents of the present communication."

Which I transcribe for your information and consequent ends.

God guard you.

J. DE D ARLEGUI.

The Intendente to Capt. Schley.

(34)

[Translation.]

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 18, 1891.

The judge of the criminal court in an official letter of this date informs me as follows:

"At this moment I have received your note of yesterday, and in replying to it permit me to say that this tribunal will put into execution the pending confrontation of witnesses between the sailors of the *Baltimore* and culprits in the cause, the 20th of the present month, from 3 to 4 p. m.

"Do me the kindness to transmit the present communication to the captain of the *Baltimore*."

Which I have the honor to bring to your knowledge for the purposes in view.

God guard you.

J. DE D ARLEGUI.

Mr. Tracy to Capt. Schley.

WASHINGTON, December 4, 1891.

Mr. Tracy informs Capt. Schley of a London newspaper report stating that one of the *Baltimore* witnesses appeared before court so intoxicated that it was necessary to eject him, and calls for a report of the facts.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, December 5, 1891.

Capt. Schley reports in regard to the McWilliams incident that the men had given their testimony, and while Lieut. McCrea, who was in charge of the men, was assisting in authenticating the testimony,

permission was given the men to go out and get supper, as the judge did not desire to be confined, and that when McWilliams returned to sign his testimony he was intoxicated and discourteous to the judge, for which offense he has been tried by summary court-martial and punished.

Capt. Schley to Mr. Tracy.

[Telegram.]

VALPARAISO, *December 6, 1891.*

Refers to telegram of December 5, and considers the court responsible for the McWilliams incident, the witnesses being in the custody of the court. All testimony of the *Baltimore* men has been given.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, December 8, 1891.

Mr. Tracy orders Capt. Schley to proceed with the *Baltimore* to San Francisco as soon as his men are no longer required to testify before the Chilean authorities.

Capt. Schley to Mr. Tracy.

U. S. S. BALTIMORE,
Callao, Peru, December 18, 1891.

SIR: In addition to the report of November 25, 1891, relating to the assault upon my men on October 16, I have the honor to transmit herewith for the information of the Department the last details and communications I had with the intendente of Valparaiso.

On the 30th of November I received a communication from the intendente of the province (marked 35), to which I replied in a letter (marked 36). I did not receive it until after 2:30 p. m. of November 30. There was not time to make arrangements for the indicated conference of experts at the hour appointed on that day.

I called immediately on the intendente to explain the reasons for being unable to comply with the judge's wishes on that day. The intendente appointed the following day, at the same hour, when my men and officers appeared before his honor in the manner and for the purposes indicated in his letter. In the same note I inclosed a list of names of persons who could testify in the case. To my surprise I saw this letter published in the press of Valparaiso on the following morning. If his honor had desired to keep secret the names of these witnesses, as he did those of the court, in making a fair and impartial inquiry, it would appear that in this case the secrecy required by the Chilean law while the process was still in a state of inquiry only applied to the court's witnesses.

In the same communication the judge invites my attention to the incident that Coal Heaver P. McWilliams appeared before the court in a state of intoxication, but that as an act of especial kindness towards the representatives of the U. S. Navy he remanded him to my authority rather than inflict punishment himself. I did not reply to this part of his honor's letter; but he quite overlooked the fact that as these men had testified when perfectly sober, under conditions imposed by the court, they were of necessity in its care and custody until delivered over again, after their testimony had been taken, to the officer who was representing the United States. While their testimony was being translated into Spanish for signature and for authentication by Lieut. McCrea, the men were placed by him in the open corridor of the prison adjacent to the court as a precaution against such an accident. From this the judge directed their release. Your telegram (marked 37) and my reply (marked 38) are inclosed, and are explained by the fuller statement given above of all the circumstances.

The experts from this vessel, before going to court, made experiments with rifle and pistol shots in flannel at equal distances and compared them with the bullet holes in the flannel shirt and neckerchief of Armorer J. M. Johnson through which the bullet passed that killed Charles W. Riggan. The experts of my ship, Drs. White and Stitt, are firmly of opinion that these holes were rifle-bullet holes and could not have been made by a pistol bullet as the Chilean experts stated. This controversy was started no doubt to draw all suspicion away from the police, who, without any question, fired the shot which killed Riggan. No matter what evidence may be adduced to the contrary in their courts, this fact is certain.

On December 3 I transmitted this letter of his honor and my reply to the minister at Santiago, in a communication (marked 39), that his files might be complete. In this letter I expressed the view that the judge had apparently written his note to me through the Chilean public. On the same day I addressed a letter (marked 40) to the intendente, in which I informed him of my action with regard to the McWilliams episode before the court, and in another paragraph I corrected the impression of his honor's letter touching the testimony given by McWilliams, explaining the manner in which it was done as stated by Lieut. McCrea. On December 5 I received the letter inclosed (marked 41), from the intendente, which merely acknowledges my letter of December 3.

On December 6 my supplementary telegram (marked 42) was sent to explain what I had intended to insert, but omitted, in my reply to yours of December 4.

On receipt of the Department's telegram (marked 43) to proceed to San Francisco, Cal., if men were no longer needed by the court, I wrote the inclosed letter (marked 44) to the intendente asking him if the men of the *Baltimore* would be required further by the criminal court in the process pending with reference to the disorders of October 16. I inclose the intendente's replies (marked 45, 46, and 47), from which it will be seen that they required no more testimony from my men.

In the letter dated December 10, however, from the judge, it will be observed that he expresses satisfaction at the punishment decided by the court-martial in the case of McWilliams, but requested that, if not contrary to the rules of the Navy, the unexpired term of his imprisonment be remitted. In accordance with this request I informed the intendente in a letter dated December 10 (marked 48), that I would

comply with his honor's request. On the following day McWilliams was released from confinement.

With the official assurance of the court, as well as from the intendente, that no further testimony would be required from the men of the *Baltimore* in the investigation relating to the disorders of October 16, I transmitted the telegram (marked 49) informing you of the facts, and that I would proceed to San Francisco, touching at Callao for coal.

On the same day I transmitted a letter to our minister (marked 50), in which I informed him that I had been ordered to San Francisco; that the *Boston* would sail the same day from Montevideo, and I was satisfied that his relations with her captain and with the commander of the *Yorktown* would be as pleasant and agreeable as they had been with me. At the same time I inclosed copies of all correspondence I had had with the authorities at Valparaiso up to the date of my sailing, so that his files in this matter are as complete in information as are those of the Department.

Before leaving Valparaiso I transmitted to Commander Evans a copy of the instructions of the commander-in-chief to me (marked 51), together with my own letter to him (marked 52). This correspondence completes the record of information relating to the unfortunate occurrences of October 16 last.

In defense of the good character of my men on that occasion I reassert that the difficulty was in no sense a drunken street quarrel, such as the press of Valparaiso claimed was common to its streets, but that it was an unprovoked and brutal assault upon unarmed and defenseless men. The killing of Riggin and the mortal wounding of Turnbull were cowardly assassinations, for no other cause than that these men wore the uniform of the United States.

In the only interview that I had with Judge Foster Recabarren, who is investigating the case relative to the disturbance, before he was aware of the entire gravity of the matter, he informed me that he thought the assault upon my men was the outcome of hatred for our people among the lower classes, because they thought we had sympathized with the Balmaceda Government on account of the *Itata* matter; whether with reason or without he could of course not admit; but such, he thought, was the explanation of the assault at that time.

In conclusion I have to inform you that I gave shelter and protection on board for about a month to one citizen of the United States, Dr. Stanley, whose life was in danger from the populace on account of the medical assistance he rendered to Turnbull in getting him to the hospital after he had been so grievously wounded; also to two other American sailors whose lives were in danger simply on account of the fact that they were Americans who had assisted my men on October 16. Dr. Stanley went on shore a few days before I sailed, as the excitement had subsided; the others I have given passage to San Francisco.

At the consul's request, before leaving Valparaiso, I have taken on board for passage Capt. Dickinson and his family and five seamen of the American ship *Rappahannock*, loaded with coal and bound to San Francisco, but burned at Juan Fernandez about a month ago. As they lost everything they possessed and were destitute I acceded to the consul's request.

I have the honor to be, sir, etc.,

W. S. SCHLEY,
Captain, U. S. Navy.

The Intendente to Capt. Schley.

(35)

[Translation.]

REPUBLICA DE CHILE,
Intendencia of Valparaiso, November 28, 1891.

The judge of the criminal court, in an official letter of the 26th instant, informs me as follows:

"On the 20th of the present month a confrontation, with profitable results to the good success of the inquiry, was held before this court, between several sailors of the *Baltimore* and the culprits in the process which it instituted, with reference to the disorders of the 16th, and although the undersigned is mainly interested in terminating as soon as possible this already prolonged proceeding, the declarations of some of the sailors above alluded to make it indispensable to vacate the previous citations, and to hold a new confrontation between three of these sailors and other witnesses in the case.

"It is also thought necessary to hear the account of the doctors who attended the dead sailors, after the examination ordered by this tribunal, and the opinion of a commission of experts, keeping in view the arms carried by the police during the disorders of the 16th, and the perforation of a neckerchief worn by James M. Johnson, at the time when, according to him, he went to assist the murdered Riggins, and which was first made by the ball that ended his (Riggins's) days, in order that it (the commission) may then inform this tribunal whether the said perforation could or could not have been caused by the rifles with which the police were armed.

"In regard to the medical report, as well as in regard to the technical commission which has just been referred to, I have thought it proper to appoint, as an evidence of the absolute impartiality with which this tribunal is proceeding, and of the desire to throw light upon the lamentable event which it is investigating, the surgeons of the *Baltimore* and one of the superior officers of that vessel to act in concert with the other experts designated by the court in this act of justice.

"Giving expressions to these ideas and to others which the continuation of the process requires, the court under date of the 21st of the present month, decreed, among other things, the following:

"The declaration of James M. Johnson appearing to contradict that of the witnesses Vergara, Castro Jeria, Hernandes, and Iglesias, let a confrontation be held between all of them and Charles Langen, also a sailor of the *Baltimore*.

"The city doctors, Antenor Calderon and Daniel Carvallo, associated with the doctor of the cruiser *Baltimore*, and with other medical men who may have seen Riggins before and after his autopsy, will inform this tribunal: (1) Whether the shot wound which produced the death of that sailor was caused by a revolver or a rifle, given the caliber of the projectile and the effects of the same, and, in case the last is resolved upon, if it could have been from the rifles or carbines used by the police, examples of which will be placed at their disposition, and (2) whether the nature and gravity of the wounds inflicted by a cutting instrument, rather than the shot wound might have removed the same Riggins, and the probable time necessary for the cure of these wounds.

"Be pleased to ask information of the doctor who examined sailor Trumbull, whose real name is Turnbull, in his last illness, regarding the precise causes and reasons of his death.

"Be pleased to name a commission of experts composed of Commander Vicente Zegers Recasen, Lieut. Col. Jose Maria Bari, and Lieut. Henry McCrea, of the cruiser *Baltimore*, in order that, keeping in view the neckerchief delivered by sailor Johnson during the confrontation, and the rifles and carbines with which the police were armed during the disorders of the 16th, they may inform this court whether the holes which are noted in the mentioned neckerchief have or have not been produced by a ball shot made with these arms.

"Be pleased to send an official letter to the intendente of the province, in order to obtain through him from the captain of the *Baltimore*, the exact descriptive list of the deceased W. Turnbull, and to ask that the witness Eugene Frank be cited in order that, given the descriptive list of that sailor, he may make clear whether he was or was not the person that the culprit Carlos Gomez wounded. The same Gomez and Frederico Jensten will also make declaration regarding the same."

"I beg you, therefore, that, in order to give completion to the decree, having transcribed this, you will be pleased to transmit the present communication to the captain of the *Baltimore*, that he may grant the necessary permission to the doctor of that ship and to Lieut. McCrea, in order that both may accept the commissions which this tribunal commits to them, and that he may arrange in the same manner the confrontation of the sailors Johnson, Langen, and John Davidson, who,

according to the before-mentioned decree, will be brought face to face with the invalid sailor Adrian Bravo, indicated in the last appearance when brought together as one of the promoters of the disorders of October 16. The same captain will be good enough also to remit by means of your official intervention the other facts which this court has thought necessary to ask, notifying him that the sailor Turnbull having died on board the *Baltimore*, the doctor who attended him in his last illness must belong to the same cruiser.

"Counting on the acquiescence of the captain of the *Baltimore*, the court fixes the 30th, from 2 to 3 p. m., for the hearing of the new confrontation that has been ordered.

"In conclusion, Mr. Intendente, I must add that, in order to preserve the dignity of the proceedings of this court during the continuance of the confrontation held on the 20th, it was necessary to remove by force one of two sailors of the *Baltimore* who presented themselves in the courtroom in a state of intoxication, and whose behavior necessitated his removal.

"The court could better have punished for itself the lack of respect which these sailors committed, but as a demonstration of especial kindness toward the representatives of the Navy of the United States in this port it consented that they should be taken back to their ship, being satisfied with the full excuses that Lieut. McCrea, who had charge of the sailors that were giving their declarations, made for this same act, and with the formal promise that their fault would be severely punished on board of the same cruiser.

"In recording in this note that strange incident of the confrontation, I have no other purpose than that of calling the attention of the captain of the *Baltimore* to the inevitable excesses that seamen deliver themselves up to always when they come on shore, even when it may be to appear at the citation of a tribunal of a friendly nation which offers them hospitality, and even when they may be under the immediate watch of their respected and honorable chief who conducts.

"Perhaps that incident will acquaint the captain of the *Baltimore* better than the actual proceedings of the trial the real origin of one of the causes that must have had much influence in the disorders of the 16th of October."

Which I have the honor to transcribe to you in order that you may be kind enough to assist, if you please, the action of justice in this grave business.

God guard you.

J. DE DS. ARLEGUI.

Capt. Schley to the Intendente.

(36)

U. S. S. BALTIMORE,
Valparaiso, Chile, December 1, 1891.

SIR: I have the honor to acknowledge the receipt of your letter of November 28, which reached my hands about 1 p. m. of November 30, too late to make the arrangements suggested by his honor for the meeting of the experts, as well as for a new confrontation of witnesses who have already testified in order to clear up certain points, etc.

I have the honor to suggest that Coal-heaver Jerry Anderson, one of the wounded, and Coal-heaver L. A. Wallace, the companion who was with him when attacked and stabbed on the afternoon of October 16, may be examined by the court; also that Peter Johnson, Plancia, Frederick —, boatswain fiscal mole, the keeper of the "Stag" saloon, boatman No. 300, the keeper of the "Royal Oak" saloon, Robert Lindsay, sailor, and Charles Lanctot may be examined by the court.

All these persons can bear witness to facts pertinent to the issue.

I have the honor to be, very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

(37)

(See telegram of December 4, Mr. Tracy to Capt. Schley.)

(38)

(See telegram of December 5, Capt. Schley to Mr. Tracy.)

Capt. Schley to Mr. Egan.

(39)

U. S. S. BALTIMORE,
Valparaíso, Chile, December 3, 1891.

SIR: I have the honor to transmit the last letters which refer to the occurrence of the 16th of October, and I would state that I acceded to the request of the judge for a commission of experts to confer with reference to the character of the shot which killed Riggin.

I would state that the testimony of the men mentioned in his honor's letter was given before him yesterday, as well as that of Jerry Anderson, coal-heaver, one of those wounded on October 16, and Coal-heaver L. A. Wallace, in the presence of Lieut. McCrea of this ship, under the same rules observed on the 20th of November, when the other witnesses appeared. This, I hope, will conclude the matter as far as the *Baltimore* is concerned, and at all events, completes the confrontation in the case up to date.

Referring to that part of the judge's letter relating to the appearance before him of two of my men in a condition of intoxication, I would say that his letter makes it appear that these men came in such a state before the court to testify. This is not the fact at all; they had already given their testimony and had appeared to sign the court copy of the same. The letter of his honor is written to the public more than to myself, and is evidently intended to create prejudice in the public mind similar to that which this communication shows to exist unquestionably in his own.

Very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

Capt. Schley to the Intendente.

(40)

U. S. S. BALTIMORE,
Valparaíso, Chile, December 3, 1891.

SIR: In reply to his honor's letter informing me that one of my men was discourteous to him by appearing in his presence drunk, I have the honor to inform you that I have approved the sentence of the court-martial, which adjudged a punishment of solitary confinement of thirty days in double irons on bread and water, and the loss of three months' pay.

I beg, at the same time, to correct the impression given by his honor's letter, that the witness was so intoxicated that he could give no testimony. His testimony had already been given and the man was unable to sign it when authenticated and ready for signature two or three hours later. It was for this disrespect to the judge in appearing before him intoxicated that I ordered him court-martialed and approved the court's sentence in its entirety.

I have the honor to be, sir, very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

The Intendente to Capt. Schley.

(41)

[Translation.]

REPUBLIC OF CHILE,
Intendencia of Valparaíso, December 5, 1891.

I have had the honor to receive your official letter of the 3d, in which you are good enough to communicate to me that you have approved the sentence which the court-martial on board your ship had imposed upon the sailor who presented himself intoxicated before the criminal court of this city on the day in which their declarations were taken, referring to the events of the 16th of October last.

The *intendencia* has transcribed your mentioned communication to his honor the judge of crimes for the purposes in view.

God guard you.

J. DE DS. ARLEGUI.

(42)

(See telegram of December 6, Capt. Schley to Mr. Tracy.)

(43)

(See telegram of December 8, Mr. Tracy to Capt. Schley.)

Capt. Schley to the Intendente.

(44)

BALTIMORE,

Valparaiso, Chile, December 9, 1891.

SIR: I have the honor to request that you will inform me whether his honor the judge of the criminal court will require any further testimony from the men of the *Baltimore* in the process now pending relative to the disorders of the 16th of October. I would be greatly obliged if your excellency will favor me with this information at the earliest practicable moment.

I have the honor to be, sir, very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

The Intendente to Capt. Schley.

(45)

[Translation.]

REPUBLIC OF CHILE,

Intendencia of Valparaiso, December 9, 1891.

I have the honor to acknowledge the receipt of your official letter dated to-day, in which you are good enough to ask this intendencia if there will be any necessity for further testimony of other sailors with respect to the disorders which took place on the 16th of last October.

Notwithstanding not having received an official reply from his honor the judge of the criminal court, to whom I have transcribed your official note, I am able to anticipate to you, without prejudice in transmitting later the reply which I am expecting from the court, that I believe there will be no further need of the appearance before the judge of the sailors of the *Baltimore*, inasmuch as all the citations referring to them are completed.

God guard you.

J. DE DS. ARLEGUI.

The Intendente to Capt. Schley.

(46)

[Translation.]

REPUBLIC OF CHILE,

Intendencia of Valparaiso, December 10, 1891.

His honor the judge of the criminal court, in an official letter dated yesterday, informs me as follows:

"The undersigned has to advise the receipt of your note, No. 3629, of the 5th of the present month, in which you are kind enough to transcribe a communication from the captain of the cruiser *Baltimore* giving an account of the approval of the sentence pronounced on board said cruiser by a court-martial against one of his crew for the offense committed against this tribunal in presenting himself drunk at the hearing of the 29th (?) of November last, the day on which the confrontation took place to which several sailors of that vessel and the culprits in the cause had been opportunely cited.

"In thanking the captain, through the authorized channel of yourself, for the delicate zeal with which he has proceeded to punish the offense committed in this tribunal by one of his men, I make it a duty to state that the undersigned is fully satisfied with the procedure adopted; and now that the respect due to the tribunal has been upheld, the undersigned would be particularly pleased if the remaining time of punishment of the sailor before alluded to were remitted, if this suggestion is not contrary to the rules and practices of the U. S. Navy.

"Since from the note sent to you by the captain of the *Baltimore* it appears apart that this commanding officer has believed that the undersigned, in communicating to you in his note (No. 412) of the 26th of November last, regarding the state of intoxication in which some of the sailors of that ship presented themselves before the tribunal, wished to give the idea that the sailor who was removed from the hearing by force had not been able to give his declaration. I must add that in my mentioned note there will not be found the assertion relative to the fact to which the captain alludes. On this account, and in order to avoid ambiguities and to leave a fixed idea, I believe that the sailor referred to gave his declaration without any trouble whatever, and that he became intoxicated during the time in which, with permission of the tribunal, he remained outside of the court room together with his other companions, while the declarations which all had made in English were being translated into Spanish. When the work was completed and the sailors were recalled was when the bad condition of two or three of the sailors was noticed, and especially the one punished by the court martial on the *Baltimore*.

"Besides, it is exact that the verification of the testimony of witnesses was possible as soon as the trouble ceased, by which the last of the sailors spoken of rendered himself liable to punishment.

"I inform you of this in reply to your previously mentioned note, and in order that you may be kind enough to transcribe the present contents to the captain of the cruiser *Baltimore*."

Which I transcribe to you for your information and purposes in view.

God guard you.

J. DE DS. ARLEGUI.

The Intendente to Capt. Schley.

(47)

[Translation.]

REPUBLIC OF CHILE,
Intendencia of Valparaiso, December 10, 1891.

Although in my official letter of yesterday I had the honor to inform you that in my opinion there would be no necessity for further explanations from the sailors of the cruiser under your command, relative to the unfortunate occurrence of the 16th of October, I have to-day the pleasure of transcribing to you the official letter in which his honor the judge of the criminal court confirms my private impression which I transmitted to you.

The official note of his honor the judge of the criminal court is as follows:

"In replying to your note, No. 3661, dated to-day, I am glad to inform you that, according to the certification of the clerk of the court in the case, there no longer remains any pending declaration or citation of the sailors and crew of the *Baltimore* in relation to the disorders of the 16th of October last.

"Consequently the undersigned believes that the advanced state of the process will not require in the future proceedings the appearance of the indicated sailors."

Which I have the honor to communicate to [you] for your information and other purposes in view.

God guard you.

J. DE DS. ARLEGUI.

Capt. Schley to the Intendente.

(48)

U. S. S. BALTIMORE,
Valparaiso, Chile, December 10, 1891.

SIR: I have the honor to acknowledge the receipt of your excellency's two communications of this date, referring to incidents of the trial now in progress relative to the unfortunate occurrence of the 16th of October last, and the absence of further necessity for the appearance of my men.

In reference to the request of his honor to remit the unexpired term of the confinement of McWilliams, I have the honor to state that in deference to his wish I shall be pleased to accede to his request.

I have the honor to be, sir, very respectfully,

W. S. SCHLEY,
Captain, U. S. Navy.

Capt. Schley to Mr. Tracy.

(49)

[Telegram.]

VALPARAISO, December 10, 1891.

Reports will leave to-morrow for San Francisco.

Capt. Schley to Mr. Egan.

(50)

(See correspondence, Department of State.)

Rear-Admiral Brown to Capt. Schley.

(51)

U. S. FLAGSHIP SAN FRANCISCO,
Valparaiso, Chile, September 14, 1891.

SIR: I will sail to-day in this ship for San Francisco, Cal., via Callao and Aca-pulco. You will remain on this coast until you receive other instructions from the Navy Department or from me.

I have no special instructions to give you, but you will be guided by those of the Department, addressed to me, as contained in its letter of the 26th of March, 1891, a copy of which has been furnished you.

You will report directly to the Navy Department by letter and cable such events of importance as may occur, sending copies to me.

I have informed the Department, by cable, that in my opinion, the services of the *Baltimore* would not be required on this coast for a much longer time.

My address will be, Care of Navy-Pay Office, San Francisco, Cal.

Very respectfully,

GEO. BROWN,
Rear-Admiral, U. S. Navy.

Capt. Schley to Commander Evans.

(52)

U. S. S. BALTIMORE,
Valparaiso, Chile, December 10, 1891.

SIR: I have the honor to inform you that in obedience to orders received from the honorable Secretary of the Navy, I will sail with this vessel for San Francisco, Cal., on Friday morning at 9 o'clock.

My instructions from the commander in chief of the Pacific squadron are inclosed

for your information and guidance. Supplementing these instructions, the Secretary of the Navy directed me to avoid as far as possible giving offense to Chilean authorities.

My orders are to proceed to San Francisco with dispatch. I shall stop at Callao for coal and news and will go from there direct to San Francisco.

The report of the attack upon my men with copies of all correspondence I have had with the intendente of Valparaiso are in the minister's possession at Santiago, as I was directed by the Secretary of the Navy. I would advise you to put yourself in communication with the minister at the earliest moment after my departure.

In leaving this port I shall take with me the captain and his family, and also five sailors from the American ship *Rappahannock*, burned at Juan Fernandez, all of whom are destitute; but I will not allow any political refugees to take passage in the ship. If such should be reported, as doubtless will be the case after I sail, you may authoritatively deny it.

Very respectfully,

W. S. SCHLEY,

Captain commanding, senior officer present.

Commander R. D. EVANS, U. S. N.,

Commanding U. S. S. Yorktown, third rate.

Commander Evans to Mr. Tracy.

[Telegram.]

VALPARAISO, January 4, 1892.

Capt. Evans summarizes the review of the procurator fiscal of the testimony taken by Judge Foster, as follows: (1) The riot on the 16th of October was caused by sailors from the *Baltimore*, who were drunk, and attacked drunken Chilean sailors, and from this the riot spread; (2) that Charles Riggins was killed by a pistol shot fired by a party unknown; (3) the evidence of the officers and crew of the *Baltimore* is thrown out as being conflicting; (4) no complicity or participation in the riot on the part of the police; (5) four men found guilty of taking part in the riot and beating and stabbing men of the *Baltimore*, and sentenced to various terms of imprisonment.

Capt. Evans reports the following condition of affairs at Santiago. General feeling there and at Valparaiso is unfriendly to the United States; new cabinet conservative but noncommittal, with the exception of the minister of foreign affairs, who expresses friendship and hopes for a speedy adjustment of matter. The United States legation sheltering eight refugees and being watched by police in uniform and spies in plain clothes; is virtually a prison. Spies were taken away while Capt. Evans was there.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 5, 1892.

The Department advises Capt. Schley, at San Francisco, that a report has come from Valparaiso to the effect that all the *Baltimore* men examined by the court, except two, approved the conduct of the police, and asks as to its correctness.

Mr. Tracy to Capt. Schley.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 5, 1892.

The Department advises Capt. Schley, at San Francisco, of a report from Valparaiso that the evidence of the officers and men of the *Baltimore* was thrown out because of conflicting statements, and asks for information.

Mr. Tracy to Commander Evans.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 6, 1892.

Mr. Tracy asks Commander Evans, at Valparaiso, if the third finding of the procurator, as given in telegram of the 4th instant, is complete or is an abstract, and instructs him to send it in full if not too long.

Capt. Schley to Mr. Tracy.

[Telegram.]

MARE ISLAND, CAL., *January 7, 1892.*

Capt. Schley reports that Lieut. McCrea states that none of the *Baltimore* men gave testimony approving the conduct of the police and thinks that this question was carefully evaded by the judge. In the report of the board of officers as to the character of the shot hole through Johnson's shirt and handkerchief which killed Riffin the Chilean and American experts disagreed. The Chilean said it was made by a pistol and the expert from the *Baltimore* by a rifle.

Commander Evans to Mr. Tracy.

[Telegram.]

VALPARAISO, *January 7, 1892.*

Summary of the procurator's review was an abstract; his analysis of the evidence of the officers and crew of the *Baltimore* being very long, the conclusions were telegraphed. The judge of crimes has been requested to condemn as follows: Rodrigues, 61 days to 541 days imprisonment; Gomez, three to five years; John Davidson, of the *Baltimore*, 541 days to three years; Ahumada, the same; Carthy's sentence awaiting further evidence, and he is admitted to bail.

Commander Evans to Mr. Tracy.

[Telegram.]

VALPARAISO, January 9, 1892.

Commander Evans reports that on the previous afternoon his gig was stoned by three men from a crowd of bad character while the boat was waiting for him off the landing place, and that no one was injured. He states that he called immediately upon the senior Chilean officer afloat and requested him to notify the police authorities of Valparaiso that he demanded their efficient protection, and that if the offense were repeated Capt. Evans would take the matter in his own hands and protect his men with arms. Much regret was expressed by the officer, who went at once to the police, and assurances are given to-day that the parties will be punished and protection given. The Chilean senior naval officer informed Capt. Evans that a plot had been discovered to attack the American legation and that the parties had been arrested.

Commander Evans to Mr. Tracy.

[Telegram.]

VALPARAISO, CHILE, January 9, 1892.

Capt. Evans reports from Valparaiso that the United States minister came aboard this morning with two refugees from the American legation, namely, John and William McKenna. They will be protected on board the *Yorktown* until a steamer starts direct for Callao.

Mr. Tracy to Commander Evans.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 13, 1892.

Mr. Tracy quotes Capt. Evans's telegram of the 4th, that the procurator, in his summary, "found evidence of the officers and crew of the *Baltimore* conflicting, and therefore thrown out." He is instructed to report if these words, or their equivalents, are in the summary or are the inferences of Capt. Evans from the procurator's review.

Commander Evans to Mr. Tracy.

[Telegram.]

VALPARAISO, January 13, 1892.

Capt. Evans reports from Valparaiso that there had been received on board the *Yorktown* this morning five refugees from the United States legation, and two from the Spanish legation, escorted by the ministers of Italy, Spain, and the United States, and that all of the refugees are now out of the United States legation. The gentlemen received will leave by steamer of the 16th for Europe.

Commander Evans to Mr. Tracy.

[Telegram.]

VALPARAISO, *January 14, 1892.*

Referring to the Department's telegram of the 13th, Capt. Evans states that the words used in his telegram of the 4th, or their equivalents, will be found in the review of the procurator. The evidence of the officers of the *Baltimore* was thrown out as not agreeing with the Chilean experts. The evidence of the men of the *Baltimore* thrown out as conflicting.

Commander Evans to Mr. Tracy.

[Télégram.]

VALPARAISO, *January 16, 1892.*

Capt. Evans reports that he is informed by Mr. Egan that the Chilean minister of foreign affairs has changed his mind about the refugees now on board the *Yorktown*, and that they may be taken out of any merchant vessel touching at a Chilean port by the local authorities. That arrangements had been made for all of them to sail to-day, but this change of base on the part of the minister of foreign affairs compels Capt. Evans to keep them on board.

Capt. Evans requests instructions about taking them to Mollendo or Callao, as no steamers go direct from Valparaiso to foreign territory. He further reports that this unexpected action is due, as the minister states, in part to Capt. Evans saluting the Spanish minister on his coming aboard with the refugees. Capt. Evans states that he has requested Mr. Egan to say to the minister of foreign affairs for Chile that he (Capt. Evans) is responsible to his own Government and not to that of Chile in such matters, and that he considers the criticism offensive and will not accept it. He states that the course of the minister of foreign affairs in this matter seems unworthy of the representative of a serious government.

Mr. Tracy to Commander Evans.

[Telegram.]

NAVY DEPARTMENT,
Washington, January 18, 1892.

Mr. Tracy orders Capt. Evans to take the refugees in the *Yorktown* to Callao, and to report his arrival.

[From *La Patria*, Valparaiso, October 17, 1891.]

THE GRAVE DISORDERS OF YESTERDAY—MURDER AND BLOODSHED.

Yesterday at about 5:30 p. m. a goodly number of American seamen, in an intoxicated condition, assaulted a Chilean citizen, an incident which has brought with it grave consequences, and which we will narrate in best possible manner, notwithstanding that the act or acts were

extremely obscure and nothing could be learned about the affair with any degree of certainty.

We combine in our narrative what we remember, and what we have gathered from the versions and data furnished by the police.

At about 5:30 p. m. there were heard in the Calle de Marquez alarming cries, which came from a number of Chilean sailors and citizens who were moving along the above-mentioned street, and pursuing two North American sailors of the five which had assaulted the Chilean to whom we have referred above.

The Yankees, as soon as their pursuers gave chase, went by way of the Calle del Arsenal towards the city car station.

In the presence of an ordinary number of citizens, among whom were some sailors, the North Americans took seats in the street car to escape from the stones which the Chileans threw at them.

It was believed for an instant that the North Americans had saved themselves from popular fury, but such was not the case.

Scarcely had the car begun to move when a crowd gathered around and stopped its progress.

Under these circumstances and without any cessation of the howling and throwing of stones at the North Americans, the conductor entered the car and seeing the risk of the situation to the vehicle ordered them to get out. At the instant the sailors left the car in the midst of a hail of stones, the said conductor received a stone blow on the head.

One of the Yankee sailors managed to escape in the direction of the Plaza Wheelwright, but the other was felled to the ground by a stone. Managing to raise himself from the ground where he lay, he staggered in an opposite direction from the station.

In front of the house of Señor Mazzini he was again wounded, falling then senseless and breathless. After awhile several police officers arrived. This was at about 6:15, a little earlier or later.

A few minutes thereafter two sailors from the *Baltimore* arrived on the scene, and picked up the injured man and escorted him under the guard of the police. At this instant a large crowd of police and populace emerged from the Calle de Valdivia, and from this dense crowd was fired a shot in an oblique direction, wounding the sailor who was being carried by his companions. Immediately was seen a citizen running from the crowd in the direction of the Calle de Marques, making for the hill de Arrayan. He was at once pursued by the police, but to no avail, as he was not captured.

These incidents continued to increase until the mole was reached. Several boys came running and howling that the Yankees were killing Chilean sailors. On hearing this the boatmen and sailors of the vessels of the national squadron began running furiously like one man to the place indicated, becoming from that moment an infernal mob.

The North Americans who had come ashore in the morning in large numbers, *seeing themselves threatened on all sides*, began to unite and make a stand near the Plaza de Echaurren and the Calle Blanco.

In these places the disorders assumed colossal proportions, since the assaulted party repelled vigorously the attack, in which a great part had already been taken by the populace, which always avails itself of such occasions to increase confusion. At the same time, in other streets of the port the Yankee sailors fought fiercely with the people of the town, who believed to see in them incarnate enemies of the Chilean navy. On this account, while the police assisted at first they were impotent to check the numerous fights stirred up on all sides, until finally it was necessary to bring in soldiers from the central guardhouse.

The commandante of police, the judge of crimes, and Mayor Ferreira hastened together to the places of disorder, and found it a serious difficulty to disperse the mob.

The number of wounded in this uncommon disorder is yet unknown, as there are many who were taken to their homes, and others concealed for fear of the police putting them at the disposition of the judge of crimes.

Of the Yankee sailors who were admitted to the hospital last night, the following were wounded:

J. W. Talbot, two poniard stabs in the back, serious.

John Hamilton, carpenter, stone wounds on the head, and contusions on the body.

G. Panter, wounded in the mouth slightly and in the neck, with a knife.

William Turnbull, seriously.

J. H. Davidson, seriously.

Killed: Riggin, boatswain's mate.

The body of this one was found in the Calle del Arsenal, between Calle de Valdivia and Calle de Marquez. He had a wound in the right side of the neck, apparently by a bullet, since previously there, had been heard in the same direction a loud detonation.

Notwithstanding it was said by a North American sailor that the name we give is the name of the same man, we saw on his right forearm below the U. S. Arms, these two initials, C. W., which probably correspond to his name.

For these disorders were last night apprehended and placed at the disposition of the judge of crimes, the following North American sailors, all from the crew of the cruiser *Baltimore*, together with the wounded and the dead already mentioned:

J. Hodge.	C. Boyle.	Mac Williams.
T. Smith.	Neil Bovill.	G. Guth.
J. Bulton.	W. Brown.	David Cass.
C. G. Williams.	J. W. Rudinson.	W. H. Nichols.
H. Frederiks.	N. Janet.	J. Hornws.
P. Johnson.	Donket.	H. Curmhangharn.
A. Priffins.	Nielsen.	A. Swanson.
I. Gallagher.	Christian.	C. Willeland.
W. Sacry.	W. Sallow.	H. Dowry.
J. MacPraide.	Patrik Gagan.	T. Prety.

Chilean sailors: Samuel Mendoza, Desiderio Castellanos, Pedro Plaza, Guillermo Hidalgo, José Ahumada, and six others.

No more Chilean sailors have been apprehended, because they almost all hid as soon the police came up.

INQUIRY CONDUCTED AT MARE ISLAND, CAL., BEFORE U. S. COMMISSIONER J. S. MANLEY, BY JUDGE-ADVOCATE-GENERAL W. B. REMEY, U. S. MARINE CORPS, WITH THE CIRCUMSTANCES OF THE ATTACK UPON SEAMEN OF THE "BALTIMORE" AT VALPARAISO, CHILE, OCTOBER 16, 1891.

DECEMBER 31, 1891.

SIR: Upon the arrival of the U. S. S. *Baltimore* at Mare Island, Cal., you will make a thorough examination into all the circumstances connected with the attack on a portion of the crew of the U. S. S. *Baltimore*, at Valparaiso, Chile, on the 16th of October last. You will be careful to conduct this examination with absolute fairness and impartiality, and with a view to ascertaining, with the utmost accuracy and fullness, the exact facts of the case.

The commanding officer of the *Baltimore* has been directed to furnish you with copies of all papers bearing on this matter, and to assist you, by every means in his power, in the performance of this duty.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Col. W. B. REMEY, U. S. M. C.,
Judge-Advocate-General, Washington, D. C.

IN THE MATTER OF THE EXAMINATION INTO THE CIRCUMSTANCES OF THE ATTACK ON A PORTION OF THE CREW OF THE "U. S. S. BALTIMORE," AT VALPARAISO, CHILE, ON THE 16TH DAY OF OCTOBER, 1891.

DEPOSITION OF JOHN WILLIAM TALBOT.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 7th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John William Talbot, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:—

JOHN WILLIAM TALBOT, having been duly sworn, testified as follows:

JUDGE ADVOCATE GENERAL.—Q. State your name, rating, and station.—A. I am a seaman apprentice, 2nd class.

Q. What is your name?—A. John William Talbot.

Q. You are a seaman apprentice on what ship?—A. On the U. S. S. "Baltimore".

Q. Were you attached to the "U. S. S. Baltimore", in your present rating, when that vessel was in Valparaiso, on the 16th day of October, 1891?—A. Yes sir, I was.

Q. Did you go on shore at Valparaiso on that day, on liberty?—A. Yes sir.

Q. At what time did you leave the ship?—A. I left her about one o'clock.

Q. How many others of the crew, about, were with you on liberty at that time?—A. About 60, I think; three cutter loads.

Q. Were there others went later, on the same afternoon?—A. Yes sir; at three o'clock there were others went ashore.

Q. Do you know of any difficulty or disturbance which occurred on shore at that time, at Valparaiso, between any Chilean sailors or others, and the crew or a portion of the crew of the "U. S. S. Baltimore" on shore at that place, on leave at that time?—A. Yes sir.

Q. That is, the 16th day of October, 1891?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to that disturbance or difficulty.—A. The man that was killed, Riggin, and myself were together from the time we left the ship until we went ashore and got our money changed. We had the money exchanged right near the dock; and we went down towards another end of the town, I think it was; the Plaza Victoria; that is the eastern end. There were four of us: Downie, Honnors, Riggin and myself. We went into a saloon, and were there about 15 minutes, sitting down. We were in there about five minutes when Davidson came in; and after that Charles Eble, Vandam, and Wilson came in.

Q. Are those men members of the crew?—A. Yes sir. We left there, and we crossed the Plaza Victoria into another place, and were there about ten minutes longer. And there were five or six more of the crew came to that place. They were the apothecary, two machinists, and two firemen.

Q. Look at this diagram and see if you are familiar with it.—A. Yes sir; I understand it. We came out of that place, and we walked down that street there, about that street there for probably an hour more.

Q. What street do you mean?—A. The street where that saloon was. I don't know the name of the street. The four of us that were together, Downie, Honnors, Riggin and myself, got into a cab and came away around the western part of the town; and we stopped at a saloon called the "Shakespeare", and we went in there. Downie and Honnors had left us; they went to get a shave. Riggin and I went into the "Shakespeare", and the man said he was going to close up; he said that there was a crowd going to attack us.

Q. You say you went into the "Shakespeare". What is the "Shakespeare"?—A. The "Shakespeare" is a dance hall and saloon.

Q. Go on.—A. The man said he was going to close up, and we would have to go out.

Q. Who said that?—A. The keeper of the saloon; the man who run the place. He told us that a crowd of disbanded sailors and soldiers were going to tackle us that afternoon.

Q. What time of day was this?—A. This was about three o'clock in the afternoon, I think.

Q. What is the name of the proprietor of the "Shakespeare" saloon?—A. I don't know his name.

Q. You say he told you and Riggin that you were to be attacked?—A. He said there was going to be trouble. He said they were getting ready to tackle us.

Q. To whom did he refer when he said that you were to be attacked?—
A. The whole crew; all the liberty party.

Q. By whom did you understand you were to be attacked?—A. By the Chilean sailors, and disbanded sailors and soldiers; the roughs of the town.

Q. Did you understand from him why you were to be attacked by those people?—A. We didn't pay much attention to it; we laughed at it. We laughed at him.

Q. Did he say why?—A. He didn't say. He said there was going to be trouble; and he didn't want to have any of it going on in his house.

Q. Why did he anticipate trouble that day, as you understood it?—
A. I suppose he had heard them talking about it. I don't know.

Q. You suppose he heard them talking about what?—A. I suppose he heard the natives talking about us.

Q. Who do you mean by "us"?—A. About the crew of the "Baltimore".

Q. Then you understood from what the proprietor of the "Shakespeare" said to you and Riggin, that he expected or anticipated trouble because of the fact that a portion of the "Baltimore's" crew was on shore? Is that what you mean?—A. Yes sir.

Q. Well, go on?—A. When we left there, we turned a corner and went up a street right around the corner from that place to another place, to a dance hall called "The Home of the Free". It was close by; it is on a hill. We passed it and went into another saloon right alongside of it, and we were in there may be an hour.

Q. What saloon was that; the last one you referred to?—A. It is called the "True Blue", I think.

Q. "The True Blue" Saloon.—A. Yes sir.

Q. I want you to locate on this tracing of a portion of the city of Valparaiso, the position of the saloon to which you last referred as "The True Blue". Locate it here. And I also want you to locate the "Shakespeare" Saloon.—A. I think it is about here. (Showing on tracing).

Q. The "True Blue" Saloon was here?—A. Yes sir.

Q. This "True Blue" is on the Calle de Arsenal?—A. Yes sir.

Q. And the other saloon is near it?—A. Yes sir.

Q. And both saloons near the Calle Echaurren?—A. Yes sir.

Q. The "True Blue" is on the Calle de Arsenal?—A. Yes sir.

Q. The "Shakespeare" is where?—A. It is near the "True Blue", but on another street, called the Plaza Echaurren.

Q. Who is Riggin, to whom you referred in your testimony?—A. He was the boatswain's mate aboard the 'Baltimore.'

Q. He was boatswain's mate on board the U. S. S. "Baltimore"?—A. Yes sir.

Q. What were his initials? What was his name?—A. Charles Warren Riggin.

Q. You and Riggin, then, were in this saloon, went into this saloon, the 'True Blue,' together?—A. Yes sir.

Q. What time of day was this?—A. It was about half past three, I think; but I won't be very sure about the time.

Q. You want to state as near as you can what time it was?—A. It was half past three o'clock.

Q. How long had you been ashore then?—A. We left the ship about one o'clock that afternoon.

Q. Then you had been ashore about two hours, had you, when you went into this saloon?—A. We had been ashore about two hours and a half when we went in there.

Q. Were there any other persons in the saloon when you and Riggin went in together?—A. Yes sir.

Q. You and Riggin entered the saloon together, as I understand you?—A. Yes sir.

Q. Were there any other members of the crew of the U. S. S. "Baltimore" in there at that time?—A. Yes sir.

Q. Who were they?—A. Anderson, Wallace, Willis, and Williams.

Q. Go on.—A. We stayed there.

Q. Who do you mean when you say "we"?—A. Riggin and myself.

Q. You remained there how long?—A. We remained there about 20 or 25 minutes; may be half an hour. Then we started out to go to the other end of town; to go away from that part of the town all together.

Q. To which end of the town?—A. To the east end; up where we had been before. Riggin went out first; he started out ahead of me, and I stopped to speak to somebody in there. I think it was the woman that kept the bar.

Q. You think it was who?—A. The woman that kept the bar. Riggin was about the middle of the street when I got to the door. I was standing at the door with my head turned in towards the saloon, and I looked around, and Riggin was talking to a Chilean man-of-war's man in the middle of the street. And the Chilean seemed to be putting himself up as though he was getting ready to fight; and I ran across the street, and asked Riggin what was the matter. I forget what he told me now. He said something about the Chilean trying to pick a row with him, or something like that. And I got between the two of them, and shoved them one side. I turned to the Chilean, and I told him to go off; and he stepped up closer to me, and spit in my face; and then I knocked him down.

Q. What was this Chilean that you refer to now? Was he a Chilean sailor?—A. Yes, sir; he was a man-of-war's man.

Q. Was he in the uniform of the Chilean navy?—A. Yes, sir.

Q. At this time were there many people in the street in the immediate vicinity of where this took place?—A. I didn't notice anybody right at that minute; but about a minute afterwards the street was full.

Q. Go on with your story.—A. They seemed to come out of every door, and crowded after us, and we ran.

Q. When you say "we", say who it was. Do you mean that Riggin and you ran?—A. Yes, sir. I knocked the man down, and then Riggin and myself turned around and ran. We ran down the Calle de Arsenal. We ran the wrong way; if we had run the other way, we would have been all right. We ran this way, to the westward.

Q. You ran down this Calle de Arsenal?—A. I think it was that street.

Q. The street where the saloon was?—A. We turned the corner. There was a horse car coming to meet us, and Riggin jumped on the car, and I tried to pull him out.

Q. Go on.—A. I didn't have time to pull him out. The crowd was behind me, and I could hear them hollering. I could hear the crowd yelling behind me. I jumped in the car with him then, and told him to come out and go the other way. He jumped in the car, and I went after him. The mob was around us in a second. The car stopped as soon as we got in. The mob took cobblestones and broke in the sides of the cars and smashed the windows.

Q. Were these cobblestones thrown by the crowd?—A. Yes sir. They told us to come out; hollered for us to come out. But we stayed in there. They kept firing bricks and cobblestones until the car was all smashed; all the windows and casements and the doors were all

smashed to pieces. And we were just about to make a break out ourselves, when three or four men came in and told us to come out; that they would protect us.

Q. Who were those men?—A. I don't know. They were Chileans.

Q. Could they speak English?—A. One of them could speak a couple of words of English. We could understand what he meant. He said "come out." He had a slungshot in his hand; two lanyards, hitched with a guard. He had that in his hand; and I asked him for it, and he would not give it to me. They beckoned for us to come out. We went out. Riggins went out on one side of the car, and I went out on the other. Just as soon as we struck the ground, they surrounded us.

Q. Who surrounded you?—A. The mob surrounded us.

Q. You got into the street car after Riggins, but was in the car with him, as I understand you?—A. Yes sir.

Q. How long after Riggins got into the car, before you got in?—A. I was right behind him.

Q. Then you and Riggins got into the car at the same time, about?—A. Yes sir.

Q. How long were you in the car?—A. About five minutes we were in there.

Q. While you were in the car, you were advised by four or five persons there in the car, to leave the car; is that it?—A. Yes sir.

Q. Were you forced from the car by any person?—A. No sir.

Q. When you reached the steps of the car with Riggins, what occurred?—A. We decided to go out and try to break through them.

Q. You decided to go out and break through who?—A. We decided to go out and break through the mob. We walked down the steps, and they didn't bother us until we got a couple of feet from the car. I know I was about five feet from the car. I didn't see Riggins any more then. I had too much to do myself. I was struggling a couple of minutes with them.

Q. With the mob?—A. Yes sir.

Q. Had the mob surrounded you?—A. Part of them surrounded me, and part surrounded Riggins. I looked around, and saw Riggins falling. I saw Riggins fall. I tried to go over towards Riggins, and I felt a knife in my back at that time.

Q. You were stabbed at that time?—A. Yes sir. I saw that I could not get to Riggins then, and I turned around and broke through them.

Q. You turned around and broke through what?—A. Through the mob. I ran, and they followed me for about two blocks, I think. I turned a corner and ran towards the east, on the street right from the water, the first street from the dock. I could hear some one close on to me, and I turned into a saloon; and just as I was going into the door, I got stabbed again. Then I turned on that man, and took the knife away from him; and it dropped out of my hand.

Q. Were you stabbed in the back?—A. Yes sir, I was stabbed in the middle of the back.

Q. You were stabbed in the middle of the back as you ran to escape the crowd?—A. Yes sir. I was stabbed by one man, who could run faster than the rest of them. He was the only one that overtook me. I shoved him away and ran into the saloon.

Q. What saloon was that?—A. I don't know the name of it.

Q. Where was it located?—A. It was located on the street right by the water.

Q. On the first street from the beach?—A. Yes sir; it is up around over the shanties along the dock there.

Q. It is some distance below the Mole?—A. Yes sir; it was right up opposite where the "Lynch" was lying, the Chilean vessel.

Q. Where did she lie?—A. About here somewheres it was, Avenida de Errazuriz; about two blocks westward of the Mole. It was a long walk, two long blocks.

Q. How many blocks?—A. Two or three.

Q. You don't know definitely; but you would know the place if you saw it?—A. Yes sir.

Q. Have you any idea of the distance; about how far was it?—A. It was about three or four long blocks.

Q. You went into the saloon. Go on from there.—A. The man that kept it and the bartender seized hold of me, and slung me out again into the street; and the mob had just got up to the door about that time. They were hollering and yelling. I broke into the saloon again, and they caught me the second time and threw me out. The third time I broke in, I got past them, and got into a small room in the back part, and shut the door. And five or six of the mob came in and broke the door down and took me out again. They didn't seem to want to hurt me in there. They wanted to get me out into the street.

Q. They wanted to get you out into the street; what for?—A. I don't know. They didn't touch me. There was a crowd around me. I got out into the street, and was standing up against the door. I didn't know where to go. They were firing cobblestones at me. I got hold of one stone, and I made a dash into the saloon, and I hit the man that owned the saloon in the head; and I picked up a chair and hit the bartender with that; and they fell then.

Q. Why did you do that?—A. I did it so I could stay in the place.

Q. Why did you desire to stay in there?—A. Because if I went out in the street they would have finished me.

Q. You wanted to stay there for protection?—A. Yes sir; for protection and for safety.

Q. Protection from what; safety from what?—A. From the mob. I got over in a corner, and got a chair and sat there.

Q. Did the mob enter the building then?—A. Some of them did; they entered with cobblestones in their hands.

Q. About how many of them?—A. Four or five of them. They crowded in the place, and I made a charge on them; and they all ran out. And they came in again. There was one sailor in a Chilean man of war's men's clothes; he was dancing around me with a knife; but he would not come near me. I think he was the one who stabbed me the last time.

Q. A Chilean sailor, in the uniform of the Chilean Navy; is that it?—A. Yes sir. Finally I made another charge on them and got them all outside; and I shut the door and barred it. Then I went over in a corner and sat down at a table, and I stayed there, I guess, for an hour, any he more. They were hollering and banging at the door outside; but they didn't get in any more.

Q. You had the door bolted?—A. Yes sir. They didn't break it down.

Q. Were they trying to break it down?—A. Yes sir, they were hammering at it from the street.

Q. Were these the same people who made the assault in front of the "True Blue" saloon; the same crowd that followed you in your attempt to escape from the party when you ran down the street and entered the saloon?—A. Yes sir.

Q. They were the same people?—A. Yes sir.

Q. How do you know that it was the same crowd?—A. Well, I was not more than 25 yards of them.

Q. You were not more than 25 yards ahead of them, and they were in pursuit of you?—A. Yes sir.

Q. They were in pursuit of you all the way?—A. Yes sir.

Q. Generally, what did this assaulting party consist of?—A. They were civilians.

Q. Were there any sailors among them?—A. There were one or two sailors among them.

Q. What were they; Chilean sailors?—A. Yes sir; they were Chilean men-of-war-men.

Q. Were there any other sailors?—A. No sir.

Q. From any other vessels?—A. No sir.

Q. When you say there were sailors there, you knew they were sailors, from the fact that they were in uniform; is that what you mean?—A. Yes sir.

Q. About what number of persons were there in the crowd, as near as you can judge, that pursued you, from the time you and Riggin left the car?—A. About one hundred, I think.

Q. About one hundred in the crowd?—A. Yes sir.

Q. About how many followed you to the car from the saloon called the "True Blue"?—A. I don't know how many were around the "True Blue." There were none when I struck the man-of-war-man first, but as soon as I struck him, they commenced to come out from all directions.

Q. When you and Riggin left the "True Blue" and started to run down the street to catch the car, you caught the car together?—A. Yes sir.

Q. About how much of a crowd was there in pursuit of you there at that time?—A. About one hundred.

Q. Before you got to the car?—A. I don't know. I didn't see; not until after we got into the car.

Q. Well, how many did you see there, about?—A. Well, there appeared to be about one hundred. The street was full.

Q. You stated that the crowd that was pursuing you and Riggin, and yourself after leaving Riggin, were crying out. What did they say? What was said? Did they say anything that you could understand?—A. Yes sir.

Q. What was it?—A. They said something about killing Yankees.

Q. I want to know what it was. What was said, just as near as you can give it?—A. They were hollering, "Kill the Yankees; the Yankee devils."

Q. Do you understand Spanish?—A. No sir.

Q. But you understood what you have stated. What you have stated you understood from the general cries of this crowd that were pursuing you?—A. Yes sir.

Q. Well, go on from there. What occurred then?—A. I stayed in that saloon about an hour, more or less. I guess it was more than an hour. And a man came in, a young fellow.

Q. That is the last saloon that you were in?—A. Yes sir; the last place. The young fellow came in the back way; he tried to get over close to me. I don't know what he wanted. He was trying to talk to me, but I would not let him get near me. And then they picked up the saloon-keeper; he was lying half way under the bar. There were two old women in there, and they wanted to come over to me too; and I would not let them. I was bleeding from my wounds. They picked up the saloon-keeper and were bandaging up his head; all one side of

his head was cut. I was watching them there. I was getting weak and dizzy.

Q. You were getting weak and dizzy from the loss of blood, do you mean?—A. Yes sir. And somebody went out, either one of the women, or the man that came in, and got a police officer; and he came in. They opened the door from the inside and let him in; and he held up his hands to me, made a motion for me to give myself up.

Q. The policeman made a motion for you to give yourself up?—A. Yes sir. That was the way I understood it.

Q. What did you do?—A. I stood there a few minutes, and he stood watching me; and he drew out his sword, and put it back again. I gave myself up then, and he walked over to me; and he made motions for me to be taken down to the jail. And he took me out in the street; took my hat off and gave it to me; and gave me an old white hat that belonged to the saloonkeeper; one of the women gave him an old wide-brimmed white hat for me.

Q. She gave it to you?—A. She gave it to the policeman; she gave it to me.

Q. Where was your hat?—A. I took it off and put it in my bosom.

Q. Why did you do that?—A. The policeman was afraid that the crowd would attack us again; attack me as we were going down and take me away from him.

Q. On account of your wearing the uniform of the "Baltimore"?—A. Yes sir. Without my cap, they would not notice the uniform so quick.

Q. The name of the ship was on your cap?—A. Yes sir.

Q. And the policeman advised you to secrete it?—A. Yes sir.

Q. And gave you this white hat?—A. Yes sir.

Q. Did he tell you why?—A. No; he didn't tell me why, but I understood it myself.

Q. You understood it?—A. Yes sir; I understood it was so that the mob would not recognize me.

Q. So the mob would not recognize you as a member of the "Baltimore's" crew?—A. Yes sir.

Q. About how many policemen were there at this time?—A. There was one policeman there.

Q. Only one policeman?—A. Yes sir; one officer.

Q. Did he turn you over to somebody?—A. Yes sir; afterwards, down at the Plaza Intendencia, he did.

Q. The police officer took you there?—A. Yes sir; we walked down to the Plaza Intendencia, and on the way down the crowd was gathering around, one at a time. There was one man walked alongside of me with two cobblestones in his hand, for about a block; and suddenly he ran ahead, and let go both stones at my head.

Q. While you were with the police officer?—A. Yes sir. I happened to be watching him, and I dodged the stones. And after that, they didn't bother me until I got down to the Plaza Intendencia. Then he turned me over to two mounted policemen, and they put catgut nippers on my wrists.

Q. Who did?—A. The mounted police. And they took away the white hat and started me off to the jail. And they changed me again to two foot policemen; and the foot policemen, every time they got me in a dark corner of the street, would start punching me.

Q. With what?—A. With their fists.

Q. You mean striking you?—A. Yes sir.

Q. Were you resisting them at the time?—A. No sir.

Q. Did you resist the police officers at any time?—A. No sir.

Q. Did you resist them at any time during this difficulty?—A. No sir; I didn't resist them at all.

Q. Not at any time?—A. Only in the saloon there for a few minutes, I hesitated to give myself up. I stood there a couple of minutes, and then I gave myself up.

Q. Did you offer any resistance?—A. No sir.

Q. Well, what next happened?—A. They went through my pockets two or three times; searched me.

Q. The policemen did?—A. Yes sir.

Q. They searched you after you reached the prison?—A. No sir; on the way up. Every time they searched me and didn't find anything, they would start punching and striking me with their fists.

Q. The policemen did?—A. Yes sir.

Q. What did they say to you?—A. They were talking among themselves. I didn't understand them. I didn't know what they were saying. They finally got me to the jail, and took my name, and put me in a cell.

Q. What did you have in your pockets? Did you have anything?—A. Yes sir, I had eighteen dollars.

Q. Eighteen Chilean dollars?—A. Yes sir; eighteen Chilean dollars.

Q. Had you any weapons; a knife, or arms of any kind?—A. No sir.

Q. Did any of the crew of the U. S. S. "Baltimore", members who were on shore on liberty that day in Valparaíso, to your knowledge have any arms or knives, other than the usual jack-knife?—A. No sir; not that I know of. They don't generally carry a jack-knife around.

Q. Did you on this occasion have any knife?—A. No sir.

Q. Did any of the crew have their jack-knives on shore on this occasion, to your knowledge?—A. No sir; I don't know.

Q. Did you witness any other difficulties or disturbances on that day than those to which you have testified?—A. No sir; I did not. I didn't see anything else at all.

Q. What was your condition at that time, as to sobriety?—A. I was perfectly sober.

Q. You stated that when you were leaving the car, or about the time you had left the step, Riggin left on the other side of the steps at the rear end of the car?—A. Yes sir.

Q. And you saw him fall?—A. Yes sir, a few minutes afterwards I did.

Q. A few minutes afterwards you saw him fall?—A. I did.

Q. Was he surrounded by the crowd at that time?—A. Yes sir, he was.

Q. What was the crowd doing?—A. They were striking at him, and firing stones at him.

Q. At Riggin?—A. Yes sir, at Riggin. They were trying to get at us; and we were fighting them off with our hands and feet.

Q. You saw Riggin fall?—A. Yes sir.

Q. Did you observe what caused him to fall?—A. No sir; I just got a glance at him; just like that. (Showing.)

Q. Did you see the mob at that time with knives or arms of any kind?—A. I saw two or three knives; that is all.

Q. In the hands of the assaulting party?—A. Yes sir.

Q. Do you refer to the assaulting party immediately around Riggin?—A. No sir; around myself. I don't know about Riggin.

Q. The assaulting party around yourself?—A. Yes sir.

Q. But in the immediate vicinity, and at the time Riggin was also being assaulted?—A. Yes sir.

Q. You mean at that time?—Yes, sir.

Q. What time was it when you were taken to the jail?—A. It was about dark when we left the last saloon; it was just getting dusk.

Q. At that time, what time did it get dark in Valparaiso; at about what time?—A. It must have been about five o'clock, I guess. The sun was down; *it was not altogether dark.*

Q. With reference to the question of the time of day when you were arrested and taken to the police station, and all the occurrences prior to that on that day, had you any time-piece, or did you observe the time by a watch or clock, or otherwise?—A. No sir. I gave it just as near as I can; *it is just guessing.*

Q. From the length of time you had been away from the ship?—A. Yes sir.

Q. Go on now. Continue your narrative until the time you got board the ship?—A. They put me in a cell along with a fireman by the name of O'Neal; and O'Neal saw the way I was cut. I went in the cell, and O'Neal raised a racket, hollered for the corporal of the guard to let me out and send me to the hospital; that I was dying. They didn't pay any attention to him for a long time; may be three quarters of an hour, or an hour.

Q. Was there any person there that could hear him?—A. Yes sir; there were sentries out in front of the cell. They listened to him for a while; and finally they came and opened the cell and took me out in front; and they took my name, and searched me again; and sent me out to go to the hospital. And just as I was going out, there was another little office in front there, and Hamilton, and a fireman by the name of McAdams were there.

Q. Who is Hamilton?—A. He is the carpenter's mate. He and a fireman from the "Baltimore" were in there, and Hamilton was unconscious.

Q. From what?—A. From a beating, and a wound, and a wound on the side. McAdams said he thought he was dead. We lifted him up and carried him out to the door, to a cab; and a man named Panter was in the cab. And Hamilton was unconscious all the way out; he laid across my knees all the way up. At the hospital they dressed our wounds, and took us into the ward and laid us out; and Hamilton was unconscious then.

Q. What ward was it?—A. The prisoner's ward. Hamilton did not speak to any of us that night.

Q. Go on.—A. We stayed there four days, I think. Davidson, Panter, Turnbull, Hamilton and myself were in the Ward four days; I think we were there four days. And then we returned to the ship.

Q. Were these other men taken to the Hospital about the same time you were that night?—A. Turnbull and Davidson were there ahead of us. Hamilton and Panter and myself came there together.

Q. Were these other men in jail when you arrived at the Jail?—A. I didn't see them; no sir.

Q. What occurred during the interval that you were in the Hospital; four days, or about that time?—A. Panter was called out the next morning to recognize Riggin, Riggin's remains. The doctor came around and took our names, and the Justice's clerk and another man came around and asked us to give an account of the affair.

Q. Asked you to give an account of what affair?—A. Of the affair on

shore. They tried to clear it up as much as they could, to get us released.

Q. Whose release?—A. Ours; we were prisoners.

Q. Prior to your return to the ship, were you called upon for any further statement than that which you say you gave while you were in the hospital?—A. No sir. They only just asked us a few questions, just to find out if they could who was to blame for the row.

Q. Were you called upon in any way to verify that statement, or sign it?—A. No sir; I didn't sign it at all.

Q. Just state as near as you can what you stated on that occasion?—A. Well, I told them about where Riggins and myself came out of the "True Blue", and where the Chilean man-of-warman spit in my face, and where I struck him, and where the mob attacked us and drove us into the car, and where Riggins was killed there; and I told them about where I was in the saloon.

Q. Where you supposed Riggins was killed there?—A. Yes sir; I knew then; I knew at the time I was talking to him, the next morning, that Riggins was killed. I didn't know until the next day, when Panter told me.

Q. Is that all you stated?—A. Yes sir.

Q. As I understand you, you related to him the circumstances that you have testified to here now?—A. Yes sir.

Q. Briefly, I mean?—A. Yes sir.

Q. Was there any charge made against you at this time, before the authorities there, after your arrest, as to the cause of your arrest?—A. I don't know. We didn't know what we were arrested for.

Q. Were you at any time informed by the authorities there, why you were arrested?—A. No sir.

Q. Was there an examination made of any charge against you?—A. No sir; only the examination I have just told you about. That was all.

Q. Who was the official to whom you referred as calling for this statement from you and others in the Hospital?—A. The Justice's Clerk.

Q. Did you at any time make any other statement to any Chilean official with reference to this matter?—A. No sir.

Q. Did you at any time make any statement to any person, official or otherwise, approving of the action of the Chilean police on this occasion?—A. No sir.

Q. Did you observe any disorder on the part of any of the crew of the "Baltimore" on that day on shore?—A. No sir.

Q. By them?—A. No sir.

Q. What was the condition of those members of the crew of the "Baltimore", when you saw them during the afternoon of the 16th of October, at Valparaiso, with reference to sobriety?—A. They were all sober; all that I saw.

Q. Do you know of your own knowledge of any cases where men members of the crew of the "Baltimore" during these disturbances, were robbed?—A. No sir. I didn't see any of the crew, not until I got to the Jail. I saw one of the marines, but he did not see me. I saw him at the Plaza Intendencia, when the policemen were changing me.

Q. With reference to your statement of warning, or information given you that an attack was expected upon the members of the crew of the "Baltimore" when they were on leave, when were you first informed of such expected assault?—A. In the "Shakespeare" was the first time I remember of hearing anything about it. It might have been before. I didn't take any notice of it anyhow; I only laughed.

Q. You say that was the only time that you recollected?—A. Yes sir.

Q. Is that the only time that you can now recollect of having heard of a probable attack?—A. Yes sir.

Q. When you with others of the liberty party were going on shore in your boats, and passing the Chilean ships, did you observe any unusual demonstrations on the part of the Chilean sailors?—A. I don't remember of any on that day; but I have often before and since then. Before that, and since then, in passing them, I have seen them shake their fists at us, passing the ports.

Q. What did they do?—A. They would shake their fists and make faces at us; talking and hollering among themselves.

Q. Without any cause on the part of the crew of the "Baltimore"?—A. Yes sir.

Q. No demonstration on the part of the crew of the "Baltimore"?—A. No sir.

Q. At what places during the afternoon of the 16th of October, did you see any of the police at Valparaiso, and about how many at each time and place?—A. At the Plaza Intendencia, where the first policeman arrested me, where he changed me, there was a squad of mounted police there. I don't know how many there were; about ten or fifteen, I guess.

Q. That is where you were taken. Prior to that, did you see any?—A. No sir; I didn't see any.

Q. Not up to the time you were in the saloon?—A. No sir; I didn't see none at all.

Q. Were the policemen that you saw that afternoon armed?—A. Yes sir; they were armed with sabres.

Q. They were armed with sabres?—A. Yes sir; the mounted police were.

Q. How were the others?—A. The foot police, some of them carried a short sword; and some a gun or bayonet.

Q. I want to know about those that you saw that afternoon?—A. The ones that arrested me, the horse policemen were armed with sabers; and the foot policemen were armed with bayonets.

Q. How many wounds did you you receive, and where? What part of the body were you wounded; and what places were you when the wounds were inflicted?—A. I received two wounds; one in the middle of the back, and one on the right shoulder.

Q. Where were they; two in the middle of the back?—A. No; one in the middle of the back, and one on the right shoulder.

Q. What were they; stabs?—A. Yes sir; stabs with a knife.

Q. With a knife?—A. Yes sir. The first wound I got going out of the horse car; after I got out of the horse car. The last one, I got that going in the last saloon I was in.

Q. What was that wound that you got after leaving the horse car?—A. A stab in the right shoulder.

Q. You had but two wounds then?—A. Yes sir; two wounds. My head had lumps on it, swellings. I was not hurt any place else. I was bruised around the body and limbs with stones.

Q. How long were you under medical treatment for your wounds? When did you go off the list?—A. I was 45 days.

Q. Under treatment?—A. Yes sir; 45 or 48 days.

Q. After your return to the ship?—A. Altogether; in the hospital and everything else.

Q. Did you see any persons ill-treated that day, other than the members of the crew of the "Baltimore" who were on leave.—A. No sir.

Q. Did you observe any crowd in the street outside, or in front, or

near the "True Blue" Saloon when you went into it with Riggin, on the occasion referred to?—A. No sir.

Q. Why did you and Riggin leave the saloon?—A. Because we wanted to go to the other end of town; we wanted to leave that end of town altogether.

Q. Why did you want to leave that end of town?—A. It was the lowest part of the City, and we wanted to get up town to a better quarter.

Q. Was there anything of a crowd, or were there many people in the street in front of the saloon there when you stepped in between Riggin and this other man to separate them in their argument? That was what they were doing, wasn't it? They were not fighting?—A. No sir. I didn't see any fighting at all. The street appeared to be empty. There didn't appear to be anybody about at all. I looked around and didn't see anybody.

Q. How long after you spoke to Riggin and this Chilean sailor on this occasion, was it before the crowd appeared?—A. It was about two seconds.

Q. They appeared from where?—A. They came from the doors and houses all around. They seemed to be waiting for it to start; just waiting for it to start.

Q. That is the way you account for it?—A. Yes sir. This Chilean sailor was sent out to start it. He saw us go into this place; and he was sent out to start it.

The U. S. DISTRICT ATTORNEY.—Q. Who was sent out?—A. This Chilean man of warman was sent out to start it. That is what I think.

Q. You found him in an altercation with Riggin?—A. Yes sir.

Q. And it culminated in your knocking the Chilean sailor down for spitting in your face?—A. Yes sir.

Q. Well, you had the best of it at that time?—A. Yes, sir.

Q. Then what happened? If you had the best of it, what happened to make you run away?—A. We saw the crowd coming and hollering.

Q. Then the crowd commenced coming?—A. Yes sir; we saw them coming down the street; coming from the houses all around.

Q. And you went out of the door before they got there?—A. We were in the middle of the street when it happened.

Q. You were in the middle of the street when it happened?—A. Yes sir.

Q. Then this didn't happen in the saloon?—A. No sir; it happened out in the street.

Q. What direction did the crowd come from?—A. The crowd came from up the street.

Q. And you ran the other way from the crowd?—A. Yes sir; we ran down the street.

Q. You ran west?—A. Yes sir.

Q. And the crowd came from the east?—A. Yes sir.

The JUDGE ADVOCATE GENERAL.—Q. I understood you that they came from all around you?—A. Yes sir. The street where we stood was kind of wide; it was wider than another part of it; it went around like that. (Showing.) It was not a square exactly; but that part of the street was larger than any other.

The UNITED STATES DISTRICT ATTORNEY.—Q. Did the crowd have stones in their hands then?—A. I don't know. They had stones in their hands when they got to the car.

Q. Was that street paved there?—A. Yes sir.

Q. Were these paving stones that they had in their hands?—A. Yes sir; broken paving stones, and half bricks; anything they could get

hold of. Most of them had paving stones, cobblestones about that size. (Showing.)

The JUDGE ADVOCATE GENERAL.—Q. Had you prior to the occasion of the difficulty on the 16th day of October, met any of these people who were in the crowd?—A. Not that I know of, sir.

Q. Prior to that time had you met any of the people who pursued you on that occasion to engage in the disturbance?—A. No sir; not that I know of. I might have seen them before, but I didn't recognize any of them.

Q. At the time that you ran from the car, after leaving the car, and met the crowd in the street, did the crowd, as a body, as nearly as you can judge, pursue you, leaving Rigg in the street?—A. Yes sir. From the size of the crowd in front of the saloon where I was, there appeared to be as many there as there was up near the horse car.

The U. S. DISTRICT ATTORNEY.—Q. What we want to find out is, whether you ran away leaving Rigg in where he was, and whether the crowd, or the greater part of it followed you so as to leave the street comparatively deserted at the place where Rigg was?—A. Yes sir.

The JUDGE ADVOCATE GENERAL.—Q. Did you hear any shots fired at that time?—A. No sir.

Q. Did you hear any shot fired at any time that afternoon?—A. No sir.

Q. Do you know the place where Rigg was said to have been shot?—A. No sir; I don't know where he was shot.

Q. You knew where the car was?—A. Yes sir; I know where I left him.

Q. You know where you left him?—A. Yes sir.

Q. How far was that from the place where you were arrested?—A. It was about two or three hundred yards, I think.

Q. The saloon where you were arrested was about two or three hundred yards from where you left Rigg?—A. Yes sir; it was about two or three hundred yards from where I left him, but I turned corners in going there.

The U. S. DISTRICT ATTORNEY.—Q. How far was it by the way you would have to go to get there?—A. It was a couple of short blocks, I think. I know I didn't run very far. I was excited at the time. I didn't know how many blocks I did run, or how many corners I turned. I was about three or four minutes running as hard as I could run.

Q. Can't you run more than two blocks in three or four minutes?—A. I don't know how I was running. I was running every way, dodging this way and that way; and I landed on the street right up by the water; that is where I came out.

Q. Have you related in full all that occurred as to the Chilean sailor spitting in your face, and your knocking him down?—A. Yes sir.

Q. Have you related all there was to that?—A. Yes sir.

Q. You didn't say anything to him at all?—A. Yes sir; I got in between the two of them, and pushed them apart.

Q. That was not speaking to them. Did you say anything?—A. I asked what was the matter; and Rigg said something about his picking a row with him, something about the Chilean sailor picking a row with him; something like that. I forget the words now. I turned around and told the Chilean sailor to shove off.

Q. Did you put your hands on him?—A. Yes sir; I put my hands on both of them, and shoved them one side; and I said to the Chilean sailor, "Here, you shove off", like that; and he stepped up closer to me then, and deliberately spit right in my face.

The JUDGE ADVOCATE-GENERAL.—Q. What is your age?—A. I will be 21 years of age the 16th of next month; the 16th of February.

The U. S. DISTRICT ATTORNEY.—Q. Did you see the sailors of any other foreign ship there that day?—A. No sir; only the sailors of Chilean ships.

(Sgd.)

JOHN W. TALBOT.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John William Talbot, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 7th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 8th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JAMES MARTIN JOHNSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 7th day of January 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared James Martin Johnson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JAMES M. JOHNSON, having been duly sworn, testified as follows:

JUDGE ADVOCATE GENERAL.—Q. State your name, rating, and station.—A. I am armorer on the U. S. S. "Baltimore".

Q. Were you attached to the "Baltimore" as armorer on the 16th day of October, 1891, when that vessel was at Valparaiso, Chile?—A. Yes sir.

Q. What is your age?—A. 32.

Q. How long have you been in the Navy?—A. 9 years and over.

Q. Did you go on shore on liberty, on the 16th day of October last, from the "Baltimore", which was lying in the harbor of Valparaiso?—A. Yes sir.

Q. With other members of the crew?—A. Yes sir.

Q. What time did you go on shore that day?—A. Between the hours of 1 and 2 o'clock in the afternoon.

Q. And you had liberty for what length of time?—A. To the following day, the 17th at 3 o'clock.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso, between the Chilean sailors or others, and the crew of the "Baltimore", or such of them, as were then on liberty at Val-

paraiso?—A. Yes sir, I was there at the time that boatswain's mate Riggins, was killed.

Q. Charles W. Riggins of the U. S. S. "Baltimore"?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to that disturbance or difficulty on the 16th of October, in Valparaiso?—A. We landed between the hours of 1 and 2 o'clock. The first place we went to, was to the Exchange, to exchange our money. After that, the boiler-maker, Dan Miller and me went up to the dentists, Peter Bruce, and we waited there until about 15 minutes to 4, and we were told to come back again at half past 4. We went down to the book-store and bought some books, and then we went down to get some more money exchanged again. I told Miller it was half past 4 by the clock at the Intendente's house, and it was time for him to be back at the dentists. I made an agreement that I was going to meet Miller, the boiler-maker at 6 o'clock, and I went into a barber-shop. I was in there about half an hour or so, which would be about 5 o'clock, and coming out I met a bumboatman from the ship, and he asked me where I was going.

Q. Who was the bumboatman to whom you referred?—A. The man from shore, who furnished supplies to the ship. He asked me where I was going. I told him down to Peter Nelson's to get my supper. He is a man who keeps a boarding house and restaurant. He said he was going that way himself. We were on the Calle Cochran at the time, where the boarding house was. We went in there. When I came in there the proprietor said "You had better wait Johnson until the next table. The first table is set." It was 5 o'clock. I knew the man personally from the first time I went ashore.

Q. He was the proprietor?—A. Yes sir. In the meantime, when I was sitting down there waiting, they shut the doors and closed up the house, and said there was a fight going on and one of our men was getting killed outside, and they warned me to stop in the house, and not go out. I tried to get out. Then I was shown up-stairs to room 15, that is the back part of the house which overlooks the Calle Arsenal, and I seen a horse-car stop at the corner of the Calle Marquez.

Q. The street car was at the corner?—A. Yes sir, at the corner of the Calle Arsenal, and the Calle Marquez. I seen one of our men laying face downwards in the middle of the street, and two or three policemen standing around him, and a mob of citizens, and they were stabbing him while he was laying down. I made an attempt to get through the window. It was only about 10 feet drop, but they told me they would open the doors and let me out.

Q. Who did?—A. The people in the house. I had no arms at all with me, but I made up my mind at the time I went down that I would take an empty bottle in case they did attack me, so that I would have something to defend myself with. I pushed my way through the crowd, and when I got up there I turned the man on his back and recognized him to be Riggins. To all appearances he seemed to be dead.

Q. Was the man whom you turned on his back and recognized to be Riggins the same man whom you saw from the window lying on his face surrounded by police, and being stabbed by the mob?—A. Yes sir; to all appearances he seemed to be dead when I turned him round. I called him by name several times. When he seemed to be dead I opened his buttons in his cuffs, and unbuttoned his undershirt in the neck. I felt his pulse, and it was beating feebly. I asked a citizen, who seemed to be a European, to bring me a glass of liquor. In the meantime I took his head off the ground, and laid it on top of my feet, so as to

make a pillow for him, and be able to defend myself at the same time. When I was in that position, a policeman gave me a shove from the sidewalk, but he went off again. I poured some liquor down Riggins' throat, but he did not seem to swallow it. It just run right down. I called him by name, and asked him if he recognized me. After several minutes he opened his eyes and said "For Christ sake, Johnson, take me out of here before they kill me, or before I die"; words to that effect. I picked him up, and partly carried him, and partly dragged him on the left side. The distance I took him, I could not say. It was with the consent of the policeman that I took him. The city police made no objection. When I got him partly under way, I see a squad of police coming up facing in front of me, and a howling mob following behind me.

Q. How far off was this squad of police when you saw them approaching you. Was there any crowd of persons between you and the police as they approached?—A. When I first see them, they were as far as from here to the wall, about 10 or 15 yards. There might have been some persons on the sidewalk, but the street was clear to the front. The first thing I noticed, I saw the two leaders of the squad coming down, and bring their rifles to a ready, and noticed the barrel was bright, because it was pointing right in my face. There were two or more shots fired. The squad of soldiers fired the shots, and I felt a burning sensation in my left cheek. I slewed around then with Riggins, right up against a house.

Q. Riggins was in your arms then?—A. Yes sir. I saw a bullet strike Riggins. His head was resting on my left shoulder, and at the time the bullet struck him his head dropped over my arm as if his neck was broken. One bullet went through my neckerchief, and overshirt and undershirt. When my retreat was cut off, with the soldiers to the front and the mob to the back, I thought there was no use carrying a corpse around, and I would make my escape in the best way I could. A citizen in the crowd hollered out "drop him Johnson, or else they will drop you next." I passed by the soldiers, through all their excitement, and came down to the plaza Echaurren. I met Charles Langen, who belonged to an American bark that was cast on the beach. He was a ship-wrecked sailor at that time. He was boarded at Peter Nelson's, by the Consul, the house that I came out of. I rolled up the collar of my shirt, and walked along Calle Cochrane into Peter Nelson's house again. When I got in there the first thing I did was to ask Langen if he see the killing of Riggins, and who fired the shots, and he said the police.

Q. Where is Langen now. Is he an enlisted man in the navy?—A. He is one of the "Baltimore's" crew now.

Q. When did he enlist?—A. In Valparaiso.

Q. Since the disturbance?—A. Yes sir. One of the boarders in the house said that the left side of my face was black, and I put up my hand and rubbed off the smoke, and that accounted for the burning sensation that I felt; it was the powder from the rifles fired close to my face. He then took me up stairs and lent me a suit of citizen's clothes. I was going back up to the drug store, to find out what became of Riggins. When I got up there it was guarded by police, and I could not get in there. Langen took me to a place and paid for a night's lodging, and the next morning I went down about 7 o'clock to get my uniform again, so as to put on my sailor's clothes, and I went to the place where Riggins was killed to find out the name of the street and see the particulars. I seen the name on the corner marked "Calle Arsenal". I then

went down to the Mole to go aboard, but I could not get down, as the Mole was all full of people, and I could not pass down.

Q. What time was this?—A. About 9 o'clock in the forenoon. We stopped in a restaurant to wait for the rest of the liberty men to come down, so that we could get in a crowd and go aboard. I went out of this restaurant about one o'clock, and I saw there were two Chilano sailors, and they had about 50 citizens at the back of them.

Q. Were they in uniform?—A. Yes, sir.

Q. What uniform?—A. The uniform of Chilean sailors. They asked me if I was American. They said "You Americano?" That is the question they asked me. The citizens behind them were ready to throw stones. I pushed them each aside.

Q. You pushed the sailors aside?—A. Yes sir, and walked into a restaurant again, but they closed up the doors. Some of our men wanted to get in, but could not get in there. In the meantime there were 4 or 6 Chilean officers in the restaurant getting their meals—their breakfast, and they said they would take us down.

Q. Naval officers?—A. No, sir; Chilean officers of the army. They asked us if we wanted to go aboard? We said yes. They drew their swords and went ahead of us. When we got down to the Mole, we could not get any boats to take us off. Fred May, who lives down there had a coal-heaver in charge, and he brought him down under his protection. He paid his boat fare, and I got in the same boat and went aboard.

Q. What time did you get aboard?—A. One o'clock or thereabouts.

Q. That was on the 17th?—A. Yes sir, the 17th.

Q. Were you wounded?—A. No sir; the only thing was, my face was blackened. The only wound I received, was the burning sensation of the powder. The bullet passed through my neckerchief, and went through my overshirt and undershirt, and struck Riggin in the neck, and killed him.

Q. Did you observe where the ball came out after entering Riggin?—A. No sir.

Q. Were you in uniform at the time you went out of this restaurant and were holding Riggin in your arms?—A. Yes sir.

Q. In the uniform of the navy of the United States?—A. Yes sir.

Q. About how many policemen did you see surrounding Riggin, at the time you were at the window, when he was lying in the street?—A. Two or more; it might be 3 or 4.

Q. About how many other persons were about the police?—A. I should judge from 75 to 100.

Q. What were these people doing, when the police were standing over Riggin as you say, when he was lying in the street?—A. They were stabbing him,

Q. Who were stabbing him?—A. The citizens.

Q. What efforts were the police making to prevent it?—A. None at all.

Q. Were these people who were stabbing Riggin, between the police and Riggin?—A. Yes sir, the police were standing at the head of Riggin.

Q. You saw this distinctly from the window?—A. I saw that from the window.

Q. Were they stabbing him while he was lying on his face in the street?—A. Yes sir, doing like that (illustrating).

Q. In the back?—A. In the back.

Q. How were these policemen, to whom you refer as standing over Riggins at the time, armed?—A. With sword bayonets.

Q. When you got out into the street, to the relief of Riggins, where was this crowd, at the time you reached Riggins?—A. All surrounding him. I pushed them aside and parted them. Then they cleared away from him when I came there.

Q. Were the police still there?—A. Yes sir.

Q. What did the police say, if anything, when you went up there?—A. They did not say anything. After I gave him the liquor and brought him to his senses, so that he knew me, I made a motion to take him over to the drug-store—I made a motion to the police, that I was going to take him away, and they nodded as if they had no objection.

Q. What did the crowd say, when you came out there?—A. They were all shouting.

Q. What were they shouting?—A. Over their victory.

Q. What did they say?—A. Over the killing of Riggins.

Q. What do you recollect their shouting; what did you understand them to say?—A. I heard them hollering.

Q. What were the words, as near as you can recollect?—A. They were hurrahing.

Q. Could you understand any of the words that they used?—A. I could understand some words in Spanish; the words that they used, I could not say. They were whistling and hollering.

Q. Yelling?—A. Yes sir.

Q. Were any threats or language used, indicating to whom it was addressed?—A. Yes sir.

Q. What was it. Give us the substance of it?—A. They seemed to be glad over the victory after they got him down, and could stab him when he was down, and whistling and hollering.

Q. Did they use any threatening language toward you?—A. A policeman gave me a push when I was standing there.

Q. You could not speak Spanish?—A. No sir.

Q. Could you understand what they said?—A. No sir; I could not understand what they said.

Q. About how long after you reached Riggins was it, before you saw this column of police coming up the street toward you?—A. About 10 or 15 minutes after I reached Riggins; about 15 or 20 minutes.

Q. About how far had you carried Riggins, when you discovered the police approaching?—A. To the best of my knowledge about 30 yards or so.

Q. What were the other police doing, at the time you were carrying Riggins to the drug-store?—A. They were away behind. If they were following me, I could not tell.

Q. And the crowd was behind you?—A. And the crowd was behind me.

Q. Was the crowd pressing in behind?—A. Yes sir, they were closing in behind me.

Q. About how close was the crowd behind you, when the two shots were fired?—A. I should say about 10 or 15 yards. They scattered.

Q. How far off from you, was this squad of police, with the two leaders, to whom you have referred, from you, when you discovered them approaching?—A. Say between 10 and 15 yards.

Q. At that time, how far from you were they, when the two shots were fired?—A. I looked down the barrel of a rifle.

Q. How far was the musket? Describe it?—A. They were standing

about a yard off. I looked right down the barrel of a rifle in a soldier's hands.

Q. In your testimony you have described this squad as soldiers. Do you know whether they were soldiers or policemen?—A. They were soldiers. They wore the uniform of the Chilean army, and they were armed with rifles.

Q. What was the difference in the dress and arms of the police whom you saw from the window on the occasion stated, and this squad of soldiers whom you saw afterwards coming up the street when you were out there holding Riggin?—A. The difference is, the police that were standing round Riggin wore a blue uniform, and were armed with sword bayonets. The soldiers that I see approaching me and firing the shots, wore the uniform of the Chilean army, and were armed with rifles. They wore red pants, blue coat, and red cap.

Q. Did the police wear red coats?—A. No sir; blue.

Q. What kind of breeches did they wear?—A. Blue. They were all dressed in blue.

Q. Look at the plan of the city of Valparaiso, and describe the place where you saw Riggin lying on his face in the street, and where you afterwards picked him up; and also describe the place where you stood holding Riggin at the time he was shot and killed?—A. It was on the Calle de Arsenal, near the corner of Marquez Street, close to Nelson's house. That is where I picked him up.

Q. That is where you found him. Then you took him across the street?—A. Then I took him diagonally across the Calle de Arsenal. I picked Riggin up in the Calle de Arsenal, close to Nelson's house, near the corner of Marquez Street, on the east side. I carried him diagonally across the street to the west side of Calle de Arsenal, near the corner of Valdivia Street, where he was shot.

Q. About how far from the corner of the street was it that he was shot?—A. Well, it was between two and five yards, in my judgment.

Q. Did you see the man fire the shot which passed through your shirt, and killed Riggin while he was in your arms?—A. I didn't see the man pull the trigger. I saw the smoke. The man that fired the shot was on the right of me. I saw the smoke, and I heard the report.

Q. You saw the smoke from where?—A. I saw the smoke from his rifle.

Q. You saw the smoke from the rifle held by this man?—A. I saw the smoke from the rifle held by this soldier. I saw Riggin's head drop over my shoulder, and the blood spout out.

Q. You stated that two shots were fired?—A. Yes sir.

Q. As I understand you, you stated that two shots were fired by this squad of soldiers?—A. Yes sir.

Q. How far apart were these two shots; what time elapsed between the two shots, about?—A. The fellow in front of me fired right off, and then the fellow on his left fired right off. It might have been a second between the two shots.

Q. Were the two shots fired by the two soldiers leading?—A. Yes sir.

Q. Did you see both of them fire?—A. Yes sir; I saw both of them fire.

Q. Did you see the smoke from the rifles?—A. Yes sir, I saw the smoke from the rifles.

Q. Held in the hands of these soldiers?—A. Yes sir.

Q. Which one of the two shots was the one that passed through your collar and killed Riggin; the first or the second shot?—A. The second

shot. The first shot that was fired, I felt a burning sensation right on my left side; and I tried to slew around to him, and then I saw the smoke on my right, and I turned, and I saw Riggins head drop over my arm.

Q. That was the second shot?—A. That was the second shot.

Q. How far apart were these two men; these two soldiers who fired the shots at the time they were fired?—A. About a foot or two apart. One was facing me like that, (showing), and the other was standing like that (showing).

Q. About a foot apart?—A. About a foot or two apart. One was facing me right in front.

Q. How far from you?—A. About half a yard, or two feet off. I looked right down the barrel of his gun. And the other was standing on my right.

Q. How far from you was the man who stood on your right?—A. The two soldiers were about two or three feet apart.

Q. Do you mean the man was two feet from you, or the muzzle of his gun?—A. The muzzle of his gun was right in front of me, about two feet from me. I looked right down the barrel. That was the man who stood in front of me.

Q. Now how far from you was the man who stood on your right?—A. I should judge about a yard or two.

Q. Do you mean the muzzle of the gun, or the man?—A. The muzzle of the gun.

Q. The muzzle of the gun was about a yard or two from you? A.—About a yard from me. I couldn't exactly say the distance.

Q. Was it the man who stood in front of you who fired the shot which killed Riggins, or the man who stood to your right?—A. It was the man who stood to my right.

Q. It was the man who stood to your right, who fired the shot that killed Riggins?—A. Yes sir; it was the man who stood to my right that fired the shot that killed Riggins.

Q. Could you see the man at the time the shot was fired?—A. No sir; I could not see him for smoke. I saw the smoke and heard the report of the rifle.

Q. Why couldn't you see the man who fired the second shot?—A. Because the smoke of the rifle from the first man blinded me, so I could not distinguish the man.

Q. Were there any other persons near enough to this man who stood to your right, that you say fired the shot which killed Riggins, by whom that shot could have been fired without your knowledge?—A. No sir.

Q. Did you hear at this time any other shots fired in that immediate vicinity?—A. No sir.

Q. In another part of your testimony, you have stated that the two leaders of the squad of soldiers or police came up the street, and brought their rifles to a "Ready", when you first saw them approaching?—A. Yes sir.

Q. You stated there were two or more shots fired?—A. Yes sir.

Q. Now state whether or not after that party or squad of police or soldiers, the leaders of which you stated were preparing to fire, came up, more than two shots were fired by them; whether you heard or saw more than two shots fired?—A. I am positive sure that I saw two shots fired. That is what I mean by two or more. There might have been more, but I didn't hear the report of more than two. But I am positive sure there were two shots fired.

Q. You are positive there were two shots fired?—A. Yes sir.

Q. Did you hear any more fired?—A. No sir.

Q. Did you see any more shots fired on that occasion?—A. No sir.

Q. Then why did you use the words "or more"?—A. Well, there might have been more fired; but I am positive sure there was no less than two. There were two shots fired, I am positive sure of that.

Q. There were two shots fired that you distinctly recollect?—A. Yes sir; there were no less than two. That is what I mean by "two or more".

Q. Did you or not hear more than two shots fired on that occasion?—A. No sir.

Q. You mean that you didn't hear more than two shots fired on that occasion?—A. No sir; I didn't hear more than two shots. I heard no more than two shots fired on that occasion.

Q. Did you or not hear more than two shots?—A. No sir. I heard two shots fired, and no more.

The U. S. DISTRICT ATTORNEY.—Q. How far were the squad of soldiers from you, when you first saw them?—A. The distance, when I first saw them, was about ten yards; between ten and fifteen yards.

Q. On what street were they?—A. To my judgment, they were crossing Valdivia Street. In Valdivia Street, I guess they were.

Q. Coming from what direction?—A. Coming from a southerly direction.

Q. I understood from the evidence here that they came down another street, and came down a bend there, and did the shooting?—A. They did the shooting right in Calle de Arsenal. That is where they did the shooting.

Q. Were they not coming down Calle de Arsenal when you saw them?—A. Yes sir; they were coming down Calle de Arsenal.

Q. They were coming towards you on Calle de Arsenal, from the direction of Calle Valdivia?—A. Yes sir.

Q. Which way were the troops moving?—A. In a westerly direction.

Q. On what street?—A. On Calle de Arsenal.

Q. Which side of the neck did the ball strike Riggin?—A. On the right side.

Q. On his right side?—A. On his right side.

Q. Did you have him in your arms at that time?—A. Yes sir; his head was resting on my shoulder.

Q. On which shoulder?—A. On my left shoulder.

Q. Whereabouts in your handkerchief or neckerchief or overshirt, did the ball enter?—A. The ball entered above the knot in my neckerchief; and went through above my pocket in my overshirt about here, (showing on the left shoulder). My arm was in this position, (showing). Riggin's head was over my shoulder here.

Q. Above the knot?—A. Yes sir; right above the knot.

Q. Or was it in the top part of the knot?—A. No sir; it was above the knot. It went through all the parts of the neckerchief above the knot; and this part of the neckerchief was drawn through.

Q. Was there any part of the neckerchief above the knot?—A. Yes sir, the part around my neck.

Q. Is there any part of that neckerchief above the knot there now?—A. Yes sir.

Q. (After the witness illustrates the position in which he held Riggin, by holding Lieutenant McCrea in his arms). Was Riggin's neck as high up on your shoulder as Lieutenant McCrea's was then?—A. Yes sir. This is the way I had it; dragging him along this way (showing).

Q. Did you see Riggin after he was dead?—A. After I laid him down?

Q. Yes sir.—A. That was the reason I shifted in citizen's clothes, to be certain what became of him afterwards.

Q. Did you know where the wound was at the time?—A. No sir.

Q. Did you see where the ball came out?—A. I didn't see where the ball came out, but I saw where it went in. The blood spouted out.

Q. What part of Riggin's body did it come out?—A. I didn't see him afterwards.

Q. You don't know that?—A. No sir.

Q. Was the soldier who fired the shot that killed Riggin, a pretty tall man?—A. No sir; not very large. I should judge he was the average of any other man. You can't tell one from another; they are all alike.

Q. Was he as tall as you are?—A. No, sir; he was not.

Q. How tall are you?—A. I am five feet, eight.

Q. You say the man that fired the shot that killed Riggin was not as tall as you are?—A. No sir. He might have been as tall as me, but he was not taller than me. I should judge him to be a man smaller than me.

Q. And you are five feet, eight inches tall?—A. Yes sir.

Q. He was to the right at the time he fired the shot, was he?—A. Yes sir; he was on my right.

Q. Now you stand there again as you did before, with Lieutenant McCrea in your arms. Where did the man stand who fired the shot that killed Riggin?—A. When the first man fired, I felt a burning sensation on my left side; that was the man right in front of me that fired that shot. Then I slewed around, and immediately the man on my right fired. That shot passed through my neckerchief and shirt, and struck Riggin.

Q. Did you say that instantly after this second shot that you have mentioned, Riggin's head fell back?—A. Yes sir; after the second shot Riggin's head fell back.

Q. How was his head before the second shot; how did you hold it then?—A. Before the second shot?

Q. Yes sir.—A. It was resting on my left shoulder.

Q. What happened afterwards?—A. His head dropped over my arms, like his neck was broken.

Q. Fell down on your arm, or bent over?—A. Fell backwards like, over my shoulder.

Q. You say that was instantly after the second shot?—A. Yes sir; right when the second shot was fired. I saw the smoke of the gun, and his head went over.

Q. The same shot that went through your neckerchief and your shirt, went into Riggin's neck and into his body?—A. Yes sir.

Q. And you know that that shot came from that gun held by the soldier?—A. Yes sir; it came from the gun held by the soldier on my right.

Q. Whom you have mentioned as having fired the second shot?—A. Yes sir.

Q. You know that to be a fact?—A. Yes sir.

Q. Where did you get the whisky or liquor to give Riggin?—A. A citizen, a European man brought it to me.

Q. Brought it to you at your request?—A. Yes sir.

Q. Did anybody offer any objection to that?—A. No sir.

Q. The police or anybody else?—A. I don't suppose those police understood it.

Q. Never mind what you supposed. They did not?—A. They didn't make any objection to my giving it to him, or to my getting it.

Q. You said somebody in the crowd called out, "Johnson, drop him"?—A. Yes sir.

Q. Did they mention your name?—A. Yes sir.

Q. Do you know who that was?—A. I didn't know at the time; no sir.

Q. Were you acquainted there in the town?—A. I found out afterwards it was the same man that attended the bumboat on the ship.

Q. You mentioned somebody who wiped powder from your face?—A. Yes sir; that was Langen.

Q. Who do you say that was?—A. That was Langen.

Q. Where did you get the citizen's clothes you mention?—A. Charles Langen lent them to me.

Q. Whereabouts did you get them?—A. I got them at Peter Nelson's house.

Q. You went back to Peter Nelson's house after this occurred?—A. Yes sir; he brought me back then to the same place. I met him up in the street, and he brought me down there again. All the doors were closed, and he brought me back to the same house.

Q. When was the time that you rolled up your collar?—A. After I escaped from the mob, after Riggin was killed.

Q. What did you roll your collar up for?—A. So they would not follow me.

Q. That served to disguise you?—A. To disguise me, yes sir.

Q. To conceal your uniform?—A. Yes sir.

Q. What made you ask Langen who fired the shots?—A. To take him as a witness; to get him as a witness afterwards, in case there was anything said about it.

Q. You knew yourself who fired them, didn't you?—A. Yes sir.

THE JUDGE ADVOCATE-GENERAL.—Q. What was the reason the boats you spoke of would not take you aboard, when you tried to get one?—A. What was the reason they would not take us aboard?

Q. Yes, sir?—A. Because we belonged to the "Baltimore", an American man-of-war.

Q. You tried to get aboard?—A. Yes sir; and we offered to pay ten dollars.

Q. You offered to pay ten dollars to be taken aboard?—A. Yes sir.

Q. What did they say about it?—A. They refused to take us, for any money.

Q. Did they give any reason?—A. Because we belonged to the "Baltimore"; that was the reason.

Q. Did they say that?—A. Yes sir. They wouldn't have anything to do with us, because we were American sailors.

Q. Did you see anything of a crowd pursuing Talbot?—A. No sir.

Q. About how many were in the crowd, in the mob, when you went down the street?—A. About from 75 to 100.

THE U. S. DISTRICT ATTORNEY.—Q. You stated in one part of your evidence that you saw these soldiers who had their guns, come to a "ready". Now did they change their position before they fired?—A. When they were approaching me, close to me, they were carrying their pieces to a "Ready"; but in what position they fired, I didn't take notice. I didn't take notice if they come up to a position of firing or not; I couldn't say. But when they approached me they were to a "Ready".

THE JUDGE ADVOCATE GENERAL.—Q. When you were looking in the

muzzle of the gun, what was the position; was it pointed right at you?—

A. Pointed right at me.

The U. S. DISTRICT ATTORNEY.—Q. Do you know what is called a "Ready" in the manual of arms?—A. Yes sir; the muzzle is up. That is the way they approached me. But when they fired, I couldn't say whether they had the gun leveled or pointed to shoot.

Q. You could not look in the barrel of the gun when it was in the position of a "Ready" could you?—A. Yes sir. If a small man was holding it, it would come to the height of his eyes, and I could look right down it.

Q. You don't know the position of the gun was when it was fired?—A. Not when the trigger was pulled, no sir.

Q. Do you know what the position of the gun was, into the barrel of which you looked?—A. Well, I looked right down it. It was like in a position of "Ready".

Q. You have spoken once or twice in your evidence of having seen a gun fired, or having seen two shots fired?—A. Yes sir.

Q. Or having seen one shot fired, and heard another?—A. Yes sir.

Q. Now when that shot that you saw fired was fired, can you tell whether the gun was held to the shoulder, or in what position it was held at that time?—A. The gun that I looked down the barrel of was held to a "ready", or level with the man in front of him. That shot did not hit me.

Q. You say it was held to a "ready" or a level?—A. Yes sir; they approached me at a ready.

Q. What do you call a "ready"?—A. That is the position in which they approached me. (Showing.) This man that was right in front of me, I looked down his gun; looked along the barrel of it. That was the shot that blackened my face. But the man on my right, I couldn't say what position he held his gun in. But both of them, when they came down the street, this is the way they carried their rifles; to a 'ready'. (Showing.)

Q. That is practically a "ready"?—A. Yes sir. That is the way the gun was held that burnt the left side of my face.

The JUDGE ADVOCATE GENERAL.—Q. Johnson, what was your condition as to sobriety at the time and during all these troubles through which you went?—A. I was sober. I was in Doctor Bruce's office waiting to get a tooth filled until a quarter to four. I can account for all the time.

Q. What time in the afternoon was it when you left Mr. Nelson's house, and went into the street, to the relief of Riggins, while he was lying on his face?—A. It was between the hours of five and six.

Q. Was it nearer five or six?—A. It was nearer six than five.

Q. How long after that was it before Riggins was shot and killed?—A. About fifteen minutes, I should judge.

Q. What members, if any, of the "Baltimore" crew did you see at or about the scene in Calle de Arsenal of your picking up Riggins, and of the shooting of him later?—A. There were none of the Baltimore's crew there at the time. I saw Hamilton at five o'clock. He was on a street car.

Q. That was not about this place?—A. No sir; that was in Calle de Cochran. There were none of the Baltimore's crew that I saw around the Calle de Arsenal.

Q. Did you see many of the crew that afternoon prior to this occurrence?—A. No sir.

Q. You saw some of them, did you not, while on shore that afternoon?—A. Yes sir.

Q. You did see some of them?—A. Yes sir.

Q. About how many on liberty on shore?—A. I saw the gig's crew.

Q. About how many were on liberty on shore?—A. I saw one man at liberty, and the gig's crew on the dock. I sent a package on board with them.

Q. What was the condition of the members of the crew of the "Baltimore" that you saw that afternoon, as to sobriety?—A. They were sober.

Q. Did you see any other disturbances during the afternoon than the ones to which you have testified?—A. No sir.

Q. Were you arrested that afternoon, or at any time, at Valparaiso?—A. No sir.

Q. Did you at any time, or to any person express approval of the action of the police at Valparaiso towards the crew of the "Baltimore," who were on leave there that afternoon, on the 16th of October last?—A. No sir.

Q. Were you at any time called upon to give evidence with reference to the action of the police, on the occasion referred to?—A. Yes sir; I was, twice; with an officer from the "Baltimore," and the judge in the court.

Q. On either of those occasions did you express your approval of the action of the police towards the men at liberty from the "Baltimore" on the afternoon of the 16th of October last?—A. No sir.

Q. Were you informed or warned by any person, prior to the difficulties and disturbances on the afternoon of October 16th last, at Valparaiso, to look out for yourself; that there might be trouble?—A. Yes sir.

Q. By whom, and when were you so warned?—A. I was warned a week before, the time we went ashore, by a citizen.

Q. By a citizen of Valparaiso?—A. Yes sir.

Q. What did he say to you on that occasion?—A. He came aboard visiting the ship, and he told us not to come ashore.

Q. Told you not to come ashore?—A. He told the ship's company not to come ashore. He was standing up on the fore-castle, and there was a crowd of sailors around him, and he said we had better stop aboard.

Q. Go on.—A. He said we had better stay aboard, or else, if we get ashore, there will be trouble; they are going to lay for you when you come ashore.

Q. They are what?—A. He said they are going to lay for us.

Q. Who did he mean were going to lay for you?—A. The citizens; the people ashore in Valparaiso; and he almost dared us to come ashore, the way he spoke. He said we were afraid to come.

The U. S. DISTRICT ATTORNEY.—Q. Was this a friend of yours?—A. No sir; this was a man who came to visit the ship.

The JUDGE ADVOCATE GENERAL.—Q. Who was this man to whom you refer?—A. He was a man living ashore; working ashore.

Q. Was he a Chilean; or what was his nationality?—A. He was a white man. I heard he was an American. He was in the service before, I believe. I believe he was in the "Shenandoah".

Q. Did you or not understand the warning given you by this man, in relation to the men visiting the shore, as a friendly warning, or otherwise?—A. I took it as a friendly warning, that he advised us not to come ashore.

Q. Sir?—A. I took it as a friendly warning, when he advised us not

to come ashore. But when he said we were scared to come ashore, when he said we were afraid to come ashore, I thought it was a threat. Then, of course, some of them wanted to come ashore.

Q. Were you warned on any other occasion, or by any other person?—A. In the house where I was, in Peter Nelson's, at the time before I went out, I was warned to stop in the house; and they closed the door on me there. But when I threatened to jump out of the window, they opened the door.

Q. Did you have any prior warning to that, or any subsequent; any before or after?—A. Well, we had warnings going ashore; when we passed the ships there; they would shake their fists at us, and draw their fingers across their throats, and whistle at us.

Q. What ships?—A. The "Esmeralda" and "Huascar".

Q. The Chilean ships?—A. Yes sir.

Q. Who do you mean; the crews of the ships?—A. Yes sir; the crews of the ships.

Q. What was it they did?—A. They shook their fists at us in the ports, and drew their hands across their throats.

Q. Indicating what?—A. Indicating that they would like to get a go at us.

Q. Did you have any arms about you at all; knives or any other weapons?—A. No sir; not at the time I was in the house. But going down stairs, I made up my mind to pick up the first thing I came across, to get me right through the crowd. I picked up an empty bottle, and shoved it in my pants.

Q. At any other time when you went on shore, at any other time did you have a knife or any other arms about you?—A. No sir.

Q. Or a weapon of any kind?—A. No sir.

Q. Did you see any of the crew of the "Baltimore" on shore on that day with any weapons of any kind in their possession?—A. No sir; none whatever.

Q. After putting on the citizen's suit which Langen furnished you, as you have stated in your evidence, at Peter Nelson's house, and going into the street in that dress, were you molested then by any person?—A. No sir; I passed through all the people without being molested.

Q. Through the same crowd?—A. Through the same mob as before.

Q. How do you account for that?—A. Because I didn't wear the uniform of an American sailor; that is all.

Q. You have stated that you saw Hamilton that day about five o'clock. Where did you see him?—A. On the Calle Corcoran, close to the Intendencia Plaza. He was going down in the horse cars in the same direction that I was walking.

Q. Did you see Hamilton later in the day, after he was wounded?—A. No sir.

Q. Had he been wounded when you saw him?—A. No sir. He hollered out to me, "Come on, Johnson; take a ride down."

Q. Did you see Hamilton before you went to Nelson's house for your supper?—A. Yes sir.

The U. S. DISTRICT ATTORNEY.—Q. Had you seen any part of any disturbance prior to the time that you looked out of the window, and saw Riggin lying in the street?—A. No sir.

Q. Can you fix that time?—A. I can fix it, yes sir. Because I got into Peter Nelson's, a little after five o'clock, and they set the first table for dinner at five o'clock; and he said, "You are too late for the first table; sit down and wait."

(Sgd.)

JAS. M. JOHNSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that James Martin Johnson, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 7th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 8th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF CHARLES LANGEN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Charles Langen, who after being duly cautioned and sworn, did depose and say as follows, to-wit:

CHARLES LANGEN, having been duly sworn, testified as follows:

The JUDGE ADVOCATE GENERAL.—Q. State your name, rate and present station.—A. Charles Langen; seaman on board the "U. S. S. Baltimore".

Q. What is your age?—A. 25.

Q. When did you enlist in the navy and where?—A. In Valparaiso, on board the "U. S. S. Baltimore" on October 23rd, 1891.

Q. How long have you been in Valparaiso, prior to your enlistment on board the "Baltimore"?—A. Ten days.

Q. To what vessel were you attached prior to your enlistment on board the "Baltimore"?—A. The American bark "Nereid."

Q. What become of that vessel?—A. It was wrecked, and went on the beach.

Q. At Valparaiso?—A. Yes, sir.

Q. On what date?—A. I think it was on the 11th of October, 1891.

Q. Were you on shore in Valparaiso, on the afternoon of the 16th of October, 1891?—A. Yes sir.

Q. Do you know of any difficulties or disturbances which occurred on shore that day at Valparaiso between any Chilean sailors or others, and the crew of the "U. S. S. Baltimore", or that portion of the crew which was on liberty there that day?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, which relate to that disturbance or difficulty?—A. I was in the house of Peter Nelson on that day, and I saw Johnson, the armorer on board of the "Baltimore" coming in there in the afternoon. He was standing there talking to the boss for a few minutes, and there was a fellow

came in there and told us about a row on the outside between American sailors and Chilean sailors. I went outside to see what the row was. When I came outside I see a street car stopped on the corner, and saw two of the American sailors coming out of it. They were Riggins and Talbot of the "Baltimore". They jumped off the car and run across the street. I followed them up. There was a whole crowd of those Chileans behind them with knives and sticks and stones.

Q. Chilean sailors?—A. Yes sir.

Q. In uniform of the Chilean navy?—A. Yes sir. They tackled two of them, Riggins and Talbot, so I told the fellows to stay together and see what they could do, but they could not get no chance to get in anyway. I refer to Riggins and Talbot. The sailors would throw stones at them, and come up and hit them with sticks. Then they separated. Talbot run this way, and Riggins run that way, and I followed Riggins.

Q. Was this crowd following and chasing you?—A. Yes, sir.

Q. What else did you observe in the hands of these people? Had they any arms or knives?—A. Yes sir, they had knives and sticks.

Q. Were their knives drawn and held in their hands?—A. Yes sir. They got hold of Riggins and he fell.

Q. Did they knock him down?—A. Yes sir. They kicked him and hit him with stones. I got hold of one, and threw him on one side, and got Riggins up again. He run for two yards, and they downed him again. I helped him up again, and he got away again. Then for the third time they downed him again, and I see a fellow stabbing him in the backside with a knife.

Q. How many times did you see him stabbing him?—A. Twice.

Q. Did you see any others stabbing him at that time?—A. No sir; I only noticed this fellow. He was a Chilean sailor.

Q. What was he?—A. A man-of-warsman.

Q. A Chilean man-of-warsman?—A. Yes sir.

Q. In uniform?—A. Yes sir.

Q. Was Riggins lying down?—A. Yes sir.

Q. And this man was stabbing him?—A. Yes sir.

Q. Where was this man stabbing him?—A. In the backside.

Q. About how large was this crowd to which you refer?—A. There were 30 or 40 of them lying around there.

Q. What were they principally?—A. Chilean sailors and citizens.

Q. Which was the largest?—A. I guess there were more citizens than sailors.

Q. How many Chilean sailors do you suppose there were?—A. About 15.

Q. When you first found Riggins lying in the street, were there any Chilean police about him?—A. I did not see no police then. After he was stabbed I held him up again. He run for a little bit, and the police came towards him with their swords in their hands, and they knocked him down.

Q. How many police were there that came at this time?—A. Two of them.

Q. They knocked him down with their swords?—A. Yes sir, they came round the corner and drew their swords and knocked him down. Then the rest of the crowd got on top of him, and kept on stabbing him, and hit him and kicked him.

Q. On top of Riggins?—A. Yes sir.

Q. Did these police on this occasion, when the crowd was attacking and stabbing Riggins while he was lying in the street, attempt to rescue him?—A. No sir, not at all.

Q. What did they do?—A. They stepped back when the crowd was on top of him; they stepped back with their swords in their hands and let the crowd do what they wanted to.

Q. Do you mean they stood quietly by, and witnessed the attack on this man?—A. Yes sir, I think they were afraid of the men around there.

Q. That is the two policemen were afraid?—A. Yes sir.

Q. When these policemen struck Riggins, as you have stated, with their swords, did they cut him down?—A. Yes sir; they knocked him down that way.

Q. With their drawn swords?—A. Yes sir.

Q. After assisting Riggins, in the first place, along the street, were you both attempting to escape?—A. Yes sir, I was trying to help him get through.

Q. Did Riggins offer any resistance to the police?—A. Not to the police, to the sailors; he tried to defend himself to get through.

Q. Was he offering any resistance at all, to the police at the time they struck him down with their swords?—A. No sir; I think he ran for protection towards the police, and as soon as he came up to the police, they knocked him down.

Q. How were these police dressed?—A. In blue.

Q. Blue coats and trousers?—A. Yes sir.

Q. How were they armed?—A. With swords.

Q. Could you describe one of those swords to which you refer?—A. They were kind of narrow swords.

Q. What kind of swords did these police carry? What do you call them?—A. I don't know their right name. That is the shape of them (pointing to a diagram).

Q. Are they swords such as the police in Valparaiso carry?—A. Yes sir.

Q. You referred in your testimony to the fact, that while in Valparaiso, you were stopping at Peter Nelson's house?—A. Yes sir.

Q. Was that a boarding house?—A. Yes sir.

Q. That is the house, as I understood you, which Armorer Johnson entered on the afternoon of the occasion referred to?—A. Yes sir.

Q. Look at the plan of that portion of the city of Valparaiso, and indicate the position of Peter Nelson's house referred to?—A. It covers a block between Calle Valdivia, and Calle Marquez, and between Calle Arsenal and Calle Cochran.

Q. Now proceed with your story?—A. The whole crowd jumped on top of Riggins and kicked him and stabbed him. I left them. There was another crowd on the other corner, and I ran towards that corner, because Riggins was lying there still, and did not move. I ran up to the other corner, and I see Hamilton there with two more of the men of the "Baltimore". I told them to go in somewheres, but they could not get a chance. They were right on top of them.

Q. Who was on top of them?—A. The Chilean sailors.

Q. Were they attacking them?—A. Yes sir.

Q. Who were the other two men with Hamilton whom you have referred to?—A. I don't know who they were.

Q. They were two sailors of the "Baltimore"?—A. Yes sir; they were throwing stones at them; two of them run that way (pointing), and Hamilton was by himself. They were throwing stones at him. I told him to look out for those stones, and he dived his head 2 or 3 times from the stones, but the last one caught him in the neck.

Q. Who was throwing those stones?—A. Chilean sailors and citizens

too. One stone struck Hamilton in the back of the neck, and knocked his head up against a house there, and he run for a little piece, and fell in the gutter with his face down. I turned his head round, to see who he was, but he did not move.

Q. He was lying in the gutter at the time?—A. Yes sir.

Q. Senseless?—A. Yes sir, he was senseless.

Q. From the blow of the stone?—A. Yes sir; his head was bleeding, and his neck was all over blood. He was lying there still, and I walked back again towards Riggins. There were four of the "Baltimore" men coming up in a cab, and I told them to stay in the cab and drive away up town.

Q. You told them not to get out of the cab?—A. They were going to come out of the cab, and help the rest.

Q. You told them not to come out?—A. Yes sir.

Q. Why did you tell them that?—A. Because they would have been killed there too.

Q. You did that for their own protection?—A. Yes sir.

Q. Where was this cab coming from; in what direction?—A. The cab was coming south on Calle Cochran. I told them to stay inside and drive away up town.

Q. Did they do so?—A. Yes sir; they went away up town, and I did not see no more after that.

Q. Then you went to Riggins again?—A. Yes sir, I walked right through the streets up to the corner of the Calle Valdivia, and saw the soldiers coming up Valdivia street, in the direction of the Calle Arsenal. I followed the soldiers on the Calle Valdivia, to the corner of the Calle Valdivia, and Calle Arsenal.

Q. How were those soldiers marching?—A. Two and two.

Q. By twos, you mean?—A. Yes sir.

Q. Were they on foot?—A. Yes sir, and one on horseback.

Q. About how many of those soldiers were there?—A. 35 or 40.

Q. How were they armed?—A. With rifles.

Q. How were they uniformed?—A. Red pants, blue coat and red cap.

Q. Had you ever seen the uniform of the soldiers of Chile before?—A. Yes sir.

Q. Were they in the uniform worn usually by the Chilean soldiers?—A. Yes sir.

Q. You saw them at the corner of the Calle Valdivia, and the Calle Arsenal, as they were passing?—A. Yes sir.

Q. Then what happened?—A. When I came up to the corner of the Calle Valdivia, and on the east side of the Calle Arsenal, I see armorer Johnson standing on the opposite corner with Riggins in his arms.

Q. On the opposite corner, and on the other side of the Calle Arsenal?—A. Yes sir. The soldiers kept on marching right up to them, and they stopped about two yards off, just on the sidewalk, two yards off Johnson and Riggins. The two first ones leveled their rifles and fired.

Q. Fired at whom?—A. They fired at both Johnson and Riggins.

Q. How many shots were fired?—A. Two.

Q. How far were you from the soldiers, when they fired as you have stated, at Johnson and Riggins?—A. 15 yards I guess; a little more; 16 or 17.

Q. Was there any crowd between you and the soldiers in the street?—A. No sir, they were standing on the sidewalk. Johnson was standing here (pointing), and the soldiers came up the street. The road was clear enough for me to see.

Q. You had then an unobstructed view of the two soldiers who were firing?—A. Yes sir.

Q. There were no persons between you and the two soldiers who were firing?—A. No sir.

Q. Riffin and Johnson, as I understand from your testimony, were near the sidewalk?—A. Yes sir.

Q. At the corner?—A. Yes sir.

Q. Were there any other shots than those two fired at that time, or about that time, that you heard?—A. No sir; those were the only two that I heard.

Q. If there had been others in the immediate vicinity, would you have heard them? When I say in the immediate vicinity, I mean right there then?—A. Yes sir; I think I should have heard them, but then I did not stay there long afterwards.

Q. If there had been other shots fired at the time the two shots were fired, would you have heard them there?—A. Yes sir, I should have heard them then, the same as I did the other ones.

Q. Could you see distinctly the rifles in the hands of these soldiers?—A. Yes sir.

Q. How were they pointed?—A. They walked up to the sidewalk and leveled their rifles like this (illustrating).

Q. Holding their arms, ready to fire?—A. Yes sir.

Q. At whom were these rifles pointed?—A. At Johnson and Riffin.

Q. Could you see that distinctly?—A. Yes sir, because they were standing there alone like this, and the rest of them drew back when the soldiers came up.

Q. Do I understand that when the soldiers came up, the mob fell back?—A. Yes sir.

Q. Were there any people in the street between the soldiers and Riffin and Johnson, when the soldiers were marching up towards them?—A. No sir; they cleared the road then.

Q. Did you see these soldiers discharge their rifles?—A. I see one of them, the one on the right hand, level and fire his gun.

Q. Was that the first shot?—A. That was the first shot.

Q. Was that the one towards you?—A. That was the one on the side I was standing.

Q. Did you see the other one?—A. No sir, I did not see him.

Q. You saw the first shot fired?—A. Yes sir.

Q. Could you not see the second soldier who fired the shot?—A. Yes sir, I could see him.

Q. Did you see a shot fired from the rifle of the second man?—A. I did not see the second man, because the soldiers in the back came round in front.

Q. Did you see two shots fired?—A. No sir; I saw only one fired.

Q. You heard the other one?—A. Yes sir, I heard the other one afterwards.

Q. Who fired the second one?—A. I could not say that.

Q. I do not mean his name. Was it fired by the other leading soldier?—A. Yes sir.

Q. Are you sure of that?—A. Pretty sure of it, because there was no one else there. I saw them level their guns, and the shots were fired so quick.

Q. Both shots were fired as I understand, about the same time?—A. Not quite the same time.

Q. About how much interval of time was there, between the shots?—A. There were a few seconds between the two shots.

Q. Can you say whether or not the second shot was fired by one of the soldiers, to the best of your knowledge?—A. Yes sir, it was fired by one of those soldiers.

Q. Did you see Johnson and Riggin immediately after the two shots were fired?—A. I just could see Johnson drop Riggin, and he got through the crowd of soldiers.

Q. He ran?—A. Yes sir; he ran.

Q. How long after that, did you see Riggin?—A. After that I see him in the drug-store.

Q. How long afterwards?—A. That was about 15 minutes afterwards; 13 or 15 minutes.

Q. In what condition was he, when you saw him?—A. There was a whole crowd of them around him then.

Q. Was he dead or alive?—A. I could not say.

Q. You could not get close to him?—A. No sir.

Q. Did you see Riggin fall right after the shots were fired?—A. If I am not mistaken, I think Johnson dropped Riggin between the first and second shots. It was so quick work altogether, that I could not say exactly.

Q. We want to know what you saw. This is a very particular occasion, and we do not want what you think, but what you saw. Did you see Johnson at the time he dropped Riggin in the street?—A. I seen Johnson drop him and try to make his way through the crowd.

Q. Can you state positively the exact time, with reference to these two shots, when Johnson dropped Riggin? If you do not know, say so?—A. I cannot state the exact time.

The UNITED STATES ATTORNEY.—Q. Then when you say if you are not mistaken that you think Johnson dropped Riggin between the first and second time, that is merely a surmise on your part?—A. Yes sir.

Q. And you do not pretend to know whether it was before or after the second shot?—A. No sir, I do not.

Q. Where did you go?—A. I stood on the corner, and stood still.

Q. As soon as you saw the shooting?—A. Yes sir.

Q. How long did you stay there?—A. Until Johnson ran out through the crowd, and I followed Johnson.

The JUDGE ADVOCATE-GENERAL.—Q. Where did you and Johnson go, after that?—A. Johnson run on a different street altogether. There was a crowd running after Johnson, and I was running after Johnson, and I turned round into another street, and the whole crowd followed me instead of Johnson. It was pretty well dark then, and when they saw that Johnson was not with me, they left me and run back again. They were after Johnson. I run through this street (pointing), and met Johnson 2 or 3 blocks below that.

Q. Who were these people?—A. Citizens and Chilean soldiers.

Q. They were pursuing Johnson?—A. Yes sir.

Q. When did you first meet Johnson that afternoon?—A. In the house. I seen him coming in there.

Q. In what house?—A. Peter Nelson's.

Q. What time of day was that?—A. Ten minutes past 5. I had just had my supper.

Q. What occurred in the house when Johnson was there?—A. A man came in there and sang out "There is a row between Chilean and American sailors."

Q. Outside?—A. Yes sir, he said that it was outside in a street-car; that they were trying to pull them out of the car.

Q. What occurred then in the house?—A. I run out of the house and I seen two of them, Riggín and Talbot, jumping out of the car, and running up the street.

Q. What did you and Johnson do, after you escaped from the mob, and after the shooting of Riggín?—A. When I met Johnson I turned in the white of his collar so that he would not be recognized as an American sailor, and took him up to Peter Nelson's house, and I gave him another suit of clothes, citizens clothes, and we went out again.

Q. What did you give him the citizens clothes for?—A. So that they would not recognize him. We passed by, and was going to look for Riggín. We came up to the drug-store, and Riggín was in the drug-store, and there was a whole crowd round, and we could not get near there. From there I took Johnson up to a house, and told him to stay there over night. Johnson stayed there over night. I went out there afterwards, and everything was quiet then. They had Riggín away at that time.

Q. When you and Johnson went out, and Johnson was in citizen's clothes, were you molested then?—A. No sir; not at all.

Q. Were there any crowds there then?—A. Yes sir; there was a crowd there, but they did not know us.

Q. They did not recognize you?—A. No sir.

Q. What was the condition of Riggín and Talbot and Johnson, as to sobriety, at the time that you saw them on the occasions referred to?—A. They were sober.

Q. Did they have any arms or weapons or knives of any kind about them?—A. No sir; not that I seen.

Q. What were the cries of the mob when they were pursuing Riggín, Talbot, Johnson and yourself, on the occasions referred to by you in your testimony?—A. They were hollering there, but I could not understand what they were saying. They were hollering around and jumping about.

Q. You cannot speak Spanish?—A. Yes sir, I can speak a little Spanish, but I did not take notice of what they said.

Q. Had you heard prior to the afternoon of the disturbances referred to, that such disturbances were expected in case of the landing of the crew of the "Baltimore" on leave at Valparaiso?—A. Yes sir; there was talk going on before; a couple of days before that. They said that the American sailors were coming on shore two days afterwards.

Q. Who was saying that?—A. Lots of them around there.

Q. What did they say about that?—A. I did not understand that much, but I know they told me, that the American sailors were coming ashore two days after that.

Q. Who told you that?—A. Some of the men round there.

Q. Chileans? Some of the people who lived ashore?—A. Yes sir; this was up in a dance-house where I heard it.

Q. Was there anything said about there being any trouble in case they came ashore?—A. No sir; not that I understood.

Q. State as nearly as you can, the time or hour, in which Riggín was shot by the soldiers, as stated in your testimony?—A. It must have been close on to six o'clock.

Q. Look at the plan of the city, and point to the position where Riggín fell after being shot on the occasion referred to?—A. On the west side of the Calle Arsenal, near the Calle Valdivia, about a couple of yards from the corner of the Calle Valdivia.

Q. Were Riggín, Talbot and Johnson in regular uniform on the occasions referred to?—A. Yes sir.

Q. After leaving Riggins, when you first found him in the street surrounded by the mob, what interval elapsed between that, and the time you saw Johnson and Riggins on the corner, when the shots were fired by the soldiers, and Riggins was killed?—A. 25 minutes or a half an hour; something like that. Not quite half an hour.

Q. When you saw Hamilton on the occasion referred to, had he been wounded?—A. A stone had struck him on the neck, and knocked him senseless. He was bleeding from the neck.

Q. You left him lying in the gutter?—A. Yes sir.

Q. Did you see any other assault made on Hamilton?—A. No sir, I left him there. I did not see no more of him.

Q. You have stated that one of the soldiers was mounted?—A. Yes sir.

Q. Describe the uniform as near as you can? How he was uniformed?—A. He was dressed in blue.

Q. Was he in charge of the soldiers?—A. Yes sir.

Q. Then, as I understand it, the officer in charge, was dressed more like the police than like the soldiers?—A. Yes sir.

Q. Did you understand that he was a police officer in charge of the soldiers?—A. Yes sir.

(Sgd.)

C. LANGEN.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I. James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Charles Lengen, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in short-hand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN B. LARSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John B. Larson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:—

JOHN B. LARSON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE GENERAL.—Q. State your name, rate and present station.—A. John B. Larson; seaman on board the "U. S. S. Baltimore."

Q. Were you a member of the crew of the "Baltimore" in your present

rate on the 16th day of October last, when that vessel was in the harbor of Valparaiso, Chile?—A. Yes sir.

Q. Did you go on shore, on liberty, with other members of the crew of the U. S. S. "Baltimore" in Valparaiso, on the 16th day of October last?—A. Yes, sir.

Q. What time did you go on shore on that day?—A. I went on shore between the hours of one and two o'clock in the afternoon.

Q. Do you know of any difficulty or disturbance which occurred on shore in Valparaiso that day, between any Chilean sailors, or others, and members of the crew of the "Baltimore" who were then on leave there?—A. No sir; I didn't see any that day, until the evening.

Q. The evening is a part of that day. Commence and tell what occurred; what you saw that day? That evening includes the day. Go ahead and tell your story.—A. When I went ashore, I met a fellow I knew; and he told us to look out for ourselves. He said they are laying for you; and I advise you to be in the house before dark.

Q. That was when you went ashore, that you were told that?—A. Yes sir.

Q. You say you met a fellow who told you that?—A. Yes sir.

Q. Who was he?—A. George Smith; a fellow I met when I was there ashore before.

Q. Is he a Chilean resident?—A. Yes sir. I met him when I was on shore there before.

Q. He was a friend of yours?—A. Yes sir.

Q. Then you lived on shore at Valparaiso, prior to the occasion referred to?—A. Yes sir.

Q. How long did you live there prior to that time?—A. About a month, I lived there.

Q. Did you enlist at Valparaiso, on board the "Baltimore"?—A. Yes sir.

Q. When did you enlist on board the U. S. S. "Baltimore"?—A. I enlisted the 5th day of May, 1891.

Q. What advice did your friend Smith give you on this occasion?—A. He told me to look out for myself; that it was best to look out for myself, because these Chileans were laying for us; and that they would grab us after dark. He said, "I advise you to be in the house before dark."

Q. Did you understand from him why they were laying for you?—A. No sir; I did not.

Q. Did your friend Smith know that you were a member of the crew of the "Baltimore"?—A. Yes sir.

Q. Were others of the liberty party with you at this time, when he gave you this advice?—A. Yes sir; there were three others along with me.

Q. Who were they?—A. Daug, McElwain, and Borstel.

Q. Were they members of the crew of the "Baltimore"?—A. Yes sir.

Q. What time of the day was this when you got this warning?—A. It was between the hours of one and two o'clock in the afternoon; just when we landed.

Q. When you first landed?—A. Yes sir.

Q. Go on?—A. We went from there to a street above the "Shakespeare"; Calle Cochran.

Q. What part of the town was it in?—A. It is near the Plaza Echaurre. We went there to see a friend of mine. I stopped there about five minutes. We went from there down to a livery stable, and got horses and went out for a ride. We came back into the town about

four o'clock, or after, and had our dinner. Us four went from there up to the Plaza Victoria then.

Q. That is in the other end of the town?—A. Yes sir. 'We were up there about half an hour, and those three fellows left me. Then I met a fellow by the name of McBride.

Q. Was he a resident of Valparaiso?—A. No sir; he belonged to the "Baltimore," to the engineer's department. Him and I went down town again; and going down we met P. Johnson and Pfeiffer; and they told us there was a fight down in the square.

Q. Down in what square?—A. Down in the Plaza Echaurren; and they advised us not to go down there.

Q. Were they members of the "Baltimore's" crew?—A. Yes sir.

Q. What did they say to you when they advised you not to go down there?—A. They said there was a fight down there, and that we could not get aboard of the ship; and that if the policemen caught us they would arrest us.

Q. Do you mean the Plaza Echaurren?—A. I was down almost to the Mole when I met them. So McBride went along with Johnson and Pfeiffer; and I went down towards the Plaza Echaurre, down towards Calle Cochran, on the left hand side going up the street.

Q. Go ahead. Where did the others go?—A. The others went up towards Plaza Victoria again.

Q. They went back towards the Plaza Victoria?—A. Yes sir.

Q. What is P. Johnson? What is his rating aboard of the ship?—A. He is a gunner's mate.

Q. You don't refer to armorer Johnson?—A. No sir.

Q. Go ahead.—A. I got as far as up to the Square, and there was about a thousand people in the square there; and they seemed to be all in an uproar.

Q. What square?—A. The Plaza Echaurren.

Q. What time was this?—A. This was about six o'clock.

Q. Was this in the evening?—A. Yes sir; in the evening. I met a few fellows there that knew me by sight, and they advised me to go back, to go to some hotel.

Q. Why?—A. They said there was fighting going on, and that two or three of our fellows were badly hurt.

Q. Was there any reference made by them to the fact of your being in uniform?—A. Yes sir.

Q. What was it?—A. They said, if they see you in American uniform, they will tackle you; that they will tackle anybody they see in American uniform.

Q. You were told by these men there, that the crowd would tackle anybody who wore the American uniform?—A. Yes sir.

Q. Well, go on.—A. Then I went back on the same street I came up to the hotel, and I asked for a room; and they told me I could not have it; they told me that the hotel was full; they told me to get out. I met a fellow there that I knew by sight; and I asked him for the loan of his coat and hat. He asked me what I wanted with it, and I said I wanted to go up to the square. And he said, "All right; I will lend you my coat and hat for a dollar." I took his coat and hat, after paying him a dollar, and went up to the square.

Q. Why did you want his coat and hat?—A. I wanted them to disguise myself.

Q. You wanted them for protection?—A. Yes sir; for protection. I knew if I went up there in my coat and hat, I would be attacked. By the time I got up to the Square, I could not see anybody there then; so

I went into a house that a fellow by the name of Tom Jenkins kept. It is called "The Swansea House".

Q. Had the crowd all dispersed there then?—A. No sir; the crowd was there yet.

Q. Where was the crowd?—A. Around the Plaza Echaurren.

Q. What do you mean by saying that you could not see anybody there then when you went back?—A. I could not see anybody that I knew; I could not see anybody in uniform.

Q. You do not mean that you could not see the crowd?—A. No sir; the crowd was still there.

Q. What did the crowd consist of; who were they?—A. The most part of them were citizens.

Q. Were any Chilean sailors in the crowd?—A. Yes sir; there was.

Q. Were they in uniform?—A. Partly in uniform; yes sir.

Q. In what uniform; the Chilean uniform?—A. Yes sir; the uniform of the Chilean Navy.

Q. Go on?—A. Going up the street, up the Calle Cochran, there was a squad of soldiers passed me, with an officer ahead of them on horse-back.

Q. Where was this?—A. They were going up the street on double time; in Cochran Street.

Q. Near what other street?—A. Near the Plaza.

Q. There is the Plaza; and there is Cochran Street, (showing on Diagram). Which way were they going; towards the Plaza?—A. Yes sir; they were going towards the Plaza.

Q. How were the soldiers marching?—A. They were on double time, sir.

Q. What was the formation; fours or twos? Do you understand what I mean?—A. Yes, I understand. There was not much of a formation about them. They were all in a gang. There was no formation at the time I saw them; they were running in a crowd.

Q. They were running in a crowd at the time you saw them?—A. Yes sir.

Q. Was this before or after Riggin was shot?—A. This was before Riggin was shot.

Q. How long before Riggin was shot?—A. I should say it was about twenty minutes before.

Q. About how many soldiers were there?—A. There were between twenty and thirty soldiers.

Q. They were going towards the Square, do you say?—A. Yes sir.

Q. Did you see the soldiers later there?—A. No sir; I did not.

Q. You only saw them on that occasion?—A. I only saw them on that occasion.

Q. You didn't see them at the time that Riggin was shot?—A. No sir; I was going back to the hotel at the time that happened.

Q. Go on and tell whatever you saw next?—A. I went around the Square, the back of the square, and went up to this house where I was known. I got a suit of citizen's clothes from a man that kept the house, and me and him went down to the drugstore. We heard of Riggin being at the drugstore then, and we went down there, and they would not let us in.

Q. Was Riggin there then?—A. Yes sir.

Q. What time was this?—A. This was between six and seven o'clock.

Q. Did you see Riggin there?—A. I saw his body. I could not see his face. It was covered with a white cloth. He was apparently dead.

Q. Who was in charge of the body?—A. Two policemen.

Q. How were the policemen dressed?—A. They were dressed in blue.
Q. How were the soldiers dressed that you saw marching up the street?—A. They were dressed in the uniform of the Chilean army.

Q. What was it?—A. Red pants, blue coats, and red caps.

Q. And this officer in charge of them, how was he dressed? Did you notice how he was dressed?—A. No sir; I did not. He was dressed as an officer of the army.

Q. Do you know positively that he was an officer of the army?—A. Yes sir.

Q. You think he was. Why do you think so?—A. Well, by the look of him; by his sword and everything that he carried about him.

Q. How were the soldiers armed, that you refer to?—A. They were armed with rifles.

Q. Were their bayonets fixed or not?—A. No sir; the bayonets were not fixed.

Q. Did you see any policemen about at that time?—A. No sir.

Q. None at all?—A. No sir; only the two at the corner of the drug store, where Riggins was laying.

Q. How were they dressed?—A. They were dressed in blue.

Q. How were they armed?—A. They were armed with sword bayonets or cutlasses.

Q. Was the crowd about there at this time?—A. Yes sir.

Q. Were they making any noise at the time; were they boisterous?—A. They were hollering and shouting. They seemed to be glorying over what they had done.

Q. When you saw and heard the crowd in the Plaza Echaurren, you say there were about how many people when you first saw them?—A. There were about a thousand.

Q. Did you see any of the Baltimore's crew about the time you went to the Plaza there; at the time that you went to the Plaza Echaurren?—A. No sir; I didn't go far enough in the crowd to see anybody.

Q. You didn't see anybody then?—A. I didn't see anybody on the outskirts of the crowd, as I was going around there.

Q. Afterwards, when you returned, you saw the soldiers?—A. No sir; I saw the soldiers going up towards the Square.

Q. You saw the soldiers when you were leaving the Square?—A. No sir; when I was going up to the Square the first time, I saw them.

Q. About what time was that; about six o'clock, do you say?—A. Yes sir; it was about six o'clock.

Q. Then, when you went to the drugstore to see Riggins, do I understand you that the crowd was still outside; this mob?—A. Yes sir.

Q. What were they crying out; what were they saying?—A. I couldn't understand what they were saying, because I could not speak Spanish; but they seemed to be glorying at something.

Q. How far was this Plaza from the drugstore you refer to?—A. The drugstore was right alongside the Plaza; right on the corner of the street.

Q. Is that the Plaza Echaurren which you refer to?—A. Yes sir.

Q. Was the crowd that you saw in the plaza first, were they crying out anything; yelling or making a noise of any kind?—A. Yes sir.

Q. What did they say? Did you understand anything that was said at all by this crowd?—A. No sir; I didn't go near enough to understand what they said. I kept on the outskirts of the crowd; and it was the crowd that was in the centre, that was doing all the hollering.

Q. And you could not hear anything at all that they said?—A. No sir.

Q. Well, did you see any of the men assaulted; did you see any of the "Baltimore's" crew assaulted by any of these people on shore?—
A. No sir. There were two fellows came into the place where I was, and asked if there were any American sailors in there.

Q. What is that?—A. There were two fellows came into the place where I was, and asked if there were any American sailors there, and we told them no.

Q. Who were the fellows you refer to?—A. Chilean men of war's men.

Q. What did they want?—A. They wanted to find out if there were any American sailors there. They wanted them out in the street.

Q. What did they want them out in the street for?—A. I don't know.

Q. What do you think they wanted you out for?—A. Well, to have a row.

Q. Did you observe whether the mob or any people in the mob had weapons or knives, or arms of any kind?—A. Yes sir; I saw one fellow who had a knife; he had a bowie knife about that long; about six inches long.

Q. What was he?—A. He was a Chilean.

Q. Was he a citizen or a sailor?—A. He was a sailor of the Navy; he wore the uniform.

Q. You didn't see then, as I understand you, any assault committed on any person?—A. No sir.

Q. Do you know how long the crowd remained on the Plaza Echaurre?—A. They were around there until after nine o'clock.

Q. Where were you in the meantime?—A. I went into a house close to the Plaza.

Q. And you remained there all night?—A. Yes sir.

Q. Did you go off to the ship the next morning?—A. The next morning I came out about seven o'clock, and I met three Chilean sailors of the navy going up on the opposite side of the street; and they said, "Come here, Americano; we want you"; and I didn't pay any attention to them. I went down the street.

Q. Were you in uniform then?—A. Yes sir. Then I went into a saloon called the "Royal Oak", and they came in after me.

Q. Where was this saloon?—A. It was down towards Cochran street.

Q. In the near neighborhood there?—A. Yes sir; in the neighborhood of the Plaza.

Q. Was it on Cochran Street?—A. No sir; it was not on Cochran Street.

Q. Which street is it on?—A. It is on the Plaza Echaurre.

Q. It is on the Plaza Echaurren?—A. Yes sir.

Q. You went into that saloon?—A. Yes sir; and those three fellows came in after me.

Q. What three fellows?—A. The three Chilean sailors. And one of them spoke English to me, and he said, "What is the matter with you"? And I said, "There is nothing the matter with me." "Well", he said, "you seem to be scared"; I said, "No, I am not scared; but the way things were carried on last night, a fellow has got to look out for himself." He said, "You need not be scared of us; we had nothing to do with it. We belong to the Cochran; we had nothing to do with the fight at all." So he asked me to have a drink, and I had a drink with him; and he left.

Q. Was that all?—A. That was all.

Q. Did you then go aboard the ship?—A. No sir. I met Johnson, the armorer.

Q. Did you see any difficulty after that with anybody?—A. Yes sir; they tackled me down towards the landing after that.

Q. Who tackled you down towards the landing?—A. Three Chilean sailors tackled me first.

Q. Three Chilean sailors belonging to the Navy?—A. Yes sir. One grabbed me by the lanyards, and another fellow hauled out a knife; and Langen came behind me and slipped the lanyards over my head, so I got away.

Q. Is that the man Langen that is now aboard the Baltimore?—A. Yes sir.

Q. He slipped what over your head?—A. He slipped the lanyards over my head, so I could get away.

Q. You say one of them had his knife drawn to cut you?—A. Yes sir; he was standing on the left side of me.

Q. What kind of a knife was it?—A. A sheath knife; and he says, "Me kill you".

Q. What did he say further than that?—A. I says, "What do you want with me?" And he said, "Me kill you", and he caught me by the lanyards; and as soon as he did that Langen slipped the lanyards over my head, and I got away. I had better run than face his knife.

Q. Did they pursue you?—A. They followed me until I ran into the Valparaiso Restaurant. And in there we were told that we were not wanted there; that we had to go out; and I went around the corner into Cochran Street; and then the mob was coming down the street, heaving stones and bricks at us.

Q. A mob?—A. Yes sir; citizens and sailors.

Q. This was on the 17th?—A. Yes sir; in the afternoon, about one o'clock on the 17th.

Q. Who did they pursue?—A. Anybody that wore the American uniform. They tackled me twice.

Q. How did they tackle you; what did they do?—A. The first time they got hold of my lanyards; and the second time they were throwing stones. They could not get hold of me, because I ran into the restaurant.

Q. What location was this?—A. This was down near the Landing.

Q. In front of the Intendencia?—A. Yes sir. Once they got hold of me by the lanyards; and the next time they were throwing stones at me.

Q. Is that the time that the three men had you by the lanyards?—A. Yes sir.

Q. Did this other crowd grab you by the lanyards too?—A. No sir; they didn't get hold of me.

Q. What was this crowd that you refer to? What did they consist of? Who were they?—A. They consisted of sailors and citizens.

Q. About how many do you suppose?—A. About 25 or 30, or thereabouts.

Q. Go on; what occurred then?—A. I went into the restaurant then; and some Chilean army officers came in there.

Q. Some Chilean army officers came in there?—A. Yes sir; and they asked me if we wanted to go aboard.

Q. Who were with you at this time?—A. Johnson, the armorer, Patterson, and Charley Wilson.

Q. Were these men with you at these different times you were attacked on the 17th of October?—A. Yes sir.

Q. Were they attacked too?—A. No sir; not that I know of.

Q. These men that were with you were not attacked?—A. No sir; they seemed to go for me both times.

Q. Go on?—A. These officers came in there, and asked if we wanted to go on board, and we said yes. They said, "Well, we will see you safe down to the landing, and get you aboard".

Q. What time was this?—A. This was about between the hours of one and two o'clock.

Q. You say they were Chilean navy officers?—A. No sir; they were Chilean army officers.

Q. How many of them were there, about?—A. There were about five or six of them.

Q. You say Johnson, the armorer was there?—A. Yes sir.

Q. And Patterson was there?—A. Yes sir.

Q. Did he go with you?—A. Yes sir.

Q. With these officers?—A. Yes sir.

Q. What did they do?—A. The officers drew their swords, and said "Come on, boys; we will see you down to the landing". And they made a way through the crowd, and took us down to the landing; and the boatmen would not take us off.

Q. What boatmen?—A. The Chilean boatmen.

Q. Would not take you off to the ship?—A. No sir. We said, "We will pay you for it". "It doesn't matter," they said; "You are Americano; you are no good." I knew a fellow there, an Englishman, who keeps a boat there; and he said, "I will take you off", and he took us off to the ship.

Q. You got off to the ship at what time?—A. About two o'clock.

Q. How many of you were there?—A. There were four of us.

Q. Did you have any warning or information, prior to the time that you went ashore, which you have related, of the fact that there might be an assault made upon the crew of the 'Baltimore' who they got on shore at Valparaiso?—A. Yes sir.

Q. Well, by whom and when?—A. By the man that keeps the "Royal Oak" Saloon.

Q. How long before this 16th day of October was this?—A. It was about the 12th or 13th of October.

Q. What did he say to you?—A. He said it would not be safe for we fellows to go ashore just now.

Q. Did he tell you why?—A. Well, he said the Chilean sailors didn't like us.

Q. What is that?—A. He said the Chilean sailors didn't like us; that we were not very well liked.

Q. Did he say anything further on that subject?—A. He said we would be better off going to Coquimbo and getting liberty, than to come ashore there; because there was bound to be trouble.

Q. What was your condition of sobriety on the 16th and 17th of October last, on the occasions referred to?—A. Everybody I saw was sober, sir.

Q. Everybody?—A. Everybody belonging to the ship I belonged to; everybody belonging to the 'Baltimore' was sober.

Q. How were you?—A. I drank about three glasses of beer. That was all I drank all day.

Q. Were you sober or not?—A. Yes sir, I was sober.

Q. Did you have any arms or knives or weapons of any kind about you?—A. No sir.

Q. Did you see any arms, weapons, or knives or know of any in the possession of the men whom you saw that day on the shore, belonging to the "Baltimore"?—A. No sir.

Q. Did you observe any disorderly conduct on the part of any of the

crew of the "Baltimore" on shore that day in Valparaiso?—A. No sir.

Q. Did you go on shore again after you went on board of the ship on the 17th of October last?—A. No sir.

Q. While the ship was at Valparaiso?—A. No sir.

(Sgd.)

JOHN B. LARSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John B. Larson, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in short hand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN H. DAVIDSON.

Beitremembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John H. Davidson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN H. DAVIDSON, having been duly sworn, testified as follows:

JUDGE ADVOCATE-GENERAL.—Q. State your name, rating and present station?—A. My name is John H. Davidson; I am a landsman on the U. S. S. "Baltimore".

Q. What is your age?—A. 24 years.

Q. How long have you been in the U. S. Navy?—A. Two years, seven months, and twelve days.

Q. Were you attached to the U. S. S. "Baltimore" as a member of her crew at Valparaiso, on the 16th of October last?—A. Yes sir.

Q. Did you go on shore on that day on liberty with other members of the crew, at Valparaiso?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore that day at Valparaiso, between Chilean sailors or others, and members of the crew of the "Baltimore" who were on shore there on leave?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to such disturbance or difficulty?—A. I went ashore about one o'clock on the 16th, with the first liberty party; the first and second liberty party consisted of about half the ship's company.

Q. Go on. What did you do and see after you got ashore?—A. After we got on the beach, I started up the Mole with George Taliaferro.

Q. Who is he? Is he a member of the "Baltimore's" crew?—A. Yes sir; he is a member of the "Baltimore's" crew. I asked him to go and have a drink with me, and he said he hadn't time, that he would have to go back; and I walked back to the mole with him. He was in charge of the boat, to carry us back to the ship. Then I was alone on the Mole and I walked up the street, and I met Johnson and Miller.

Q. What Johnson do you mean?—A. Johnson, the armorer; and Miller, the boiler-maker.

Q. Of the "Baltimore"?—A. Yes sir I walked up the street a way with them, and I left them and got on the car; and I got out at the Plaza Victoria. That was in the eastern part of the City. And I went into a saloon in the corner, and met Riffin, Talbot, Downie and Honnors.

Q. You met them there?—A. Yes sir. I stayed with them; we stayed in that part of the city for about a couple of hours, and then we took a cab from the Plaza Victoria, and went to the dance hall, the "Shakespeare".

Q. That is in the other end of the city?—A. Yes sir; that is in the other end of the City. And we went in there, and the proprietor said he had to close; that he thought there was going to be trouble between us and the Chileans; that he was not going to have any row in his place; because he paid two or three fines for that kind of doings before.

Q. Was there a crowd outside in the street at that time, that you observed?—A. No sir. He said there was a crowd watching; something to that effect.

Q. Go on. Say what he said. He said there was a crowd watching for what?—A. He didn't say there was a crowd watching. He said he heard there was going to be trouble between us and the Chileans; and he closed his place, and we went out. We went into another saloon, called the "True Blue."

Q. Where is that saloon? What street is that on?—A. I couldn't tell you the street it is on. It is around the corner from the Shakespeare. We went in there; and in there we met Anderson, Willis, the colored apprentice, and Williams, and that other colored fellow that went ashore with us, Wallace.

Q. You went to the "True Blue" saloon and met these four men then?—A. Yes sir.

Q. What time was this?—A. I should judge it was about three o'clock.

Q. Only a few minutes after you had been to the "Shakespeare"?—A. Yes sir; a few minutes after we left the "Shakespeare."

Q. You had not discovered any difficulty up to that time?—A. Up to that time, no sir. Only what the man in the "Shakespeare" told us.

Q. Proceed?—A. And then I went into the other room; went back in the place to the water closet.

Q. Where was this; at the "True Blue"?—A. Yes sir; at the "True Blue." When I came back from the water closet, Talbot and Riffin had gone. In the meanwhile, Downie and Honnors said they were going to the barber shop to get shaved; and they left us.

Q. They were members of the "Baltimore's" crew?—A. Yes sir.

Q. Who was left with you?—A. Riffin and Talbot.

Q. I thought you said Riffin and Talbot had gone?—A. That was after I had come out from the water closet. I came out, and I couldn't see anything of them. And some one in the street pointed up that way, and as I came around the corner, I saw Talbot in the middle of the street, and Riffin lying in the street. And I went to give him assistance, and three or four Chileans jumped on me. I went to pick Riffin up.

Q. What seemed to be the matter with Riggin?—A. He seemed to be knocked in the head and badly beaten. I could not see any stabs on him.

Q. Who were around there?—A. A mob of Chileans; citizens and sailors also.

Q. What were they doing?—A. They were running after Talbot. He was across the street.

Q. What were they doing to Riggin?—A. Riggin was laying down. I didn't see them doing anything to Riggin then. As soon as I went to pick Riggin up the Chilean sailors jumped on me, and I was fighting them the best I could, and I saw another mob coming down the street that I had come down from the "True Blue". This was on Calle de Arsenal, where I saw Riggin.

Q. The "True Blue" is on Calle de Arsenal, is it?—A. I came right down the street, and the cars were running this way; and there was where Riggin was.

Q. When you say you saw Talbot running, and Riggin lying in the street, did you see a car disappearing in the distance?—A. No; I couldn't say I did.

Q. You didn't see them leave a car?—A. No, sir.

Q. The mob was chasing Talbot, as I understand you?—A. Yes, sir.

Q. Go on.—A. Another crowd jumped on me, and I fought them the best I could.

Q. What were they?—A. They were a mixture of Chilean citizens and sailors and soldiers.

Q. Were they Chilean soldiers and sailors?—A. Yes sir; of the Chilean army and navy.

Q. Were they armed?—A. Yes sir; they had knives.

Q. They were chasing Talbot, and attacking all of you. What were they saying; were they crying out aloud?—A. I couldn't understand what they were saying; it was in Spanish, and I could not understand Spanish. And then I looked on the corner, and I saw Hamilton kind of running in the opposite direction from Talbot. And there was a one-armed Chilean sailor running after him with a knife in his hand.

Q. Running after who?—A. Running after Hamilton. I threw a stone at him and knocked him down, and I tried to get his knife, but I could not find it. And then I came back, and saw two policemen, and I went to them for assistance. And one of them come at me with his sword, and I jumped at him, and I struck him with a stone in the face, and then I ran.

Q. He came at you with his sword?—A. Yes sir.

Q. Had you offered him any resistance when he came at you with his sword?—A. No sir.

Q. You went to him to ask assistance?—A. Yes sir; I was running right to him, so I could get his assistance; and he came at me with his sword.

Q. He didn't hit you?—A. No sir. And then I ran down the street, and I looked for assistance. I seen two or three fellows, and I told them about it.

Q. What fellows did you see; any of the "Baltimore's" crew?—A. Yes sir. And I went back there myself again.

Q. Where was this?—A. On Calle Cochran.

Q. About where was it?—A. Pretty near a corner; right near a corner.

Q. Point it out there. Do you mean Calle de Arsenal?—A. Yes sir. I ran down the first street that runs up by the Plaza.

Q. This all occurred near the Plaza, as I understand you?—A. No sir; this occurred on Calle de Arsenal.

Q. Point out the position, as nearly as you can. Do you know where Nelson's house is?—A. No sir.

Q. Locate the place as near as you can?—A. I never was in that part of the city before in my life.

Q. Do you know where the Plaza is?—A. Yes sir; this is the Plaza here. (Showing.) The Plaza Echaurren. And you come up this way to go to the "Shakespeare."

Q. Was it in the neighborhood of Calle de Arsenal, and the Plaza Echuarren; was it in the neighborhood of that?—A. Yes sir; it seems to me like it was right near this corner. (Showing.)

Q. Near the corner of Calle de Arsenal and Marquez Street?—A. Yes sir; it was near the corner of Calle de Arsenal and Marquez Streets.

Q. Go ahead?—A. Then I went back there where Riggins was to give him assistance again, and I got near to him, and the mob was still there; and they beat me with sticks and stones. They never cut me, or anything like that; but they beat me with sticks and stones, and then I ran down below.

Q. What time was this?—A. This, I should judge, was about three-quarters of an hour later, sir.

Q. Was it near dark?—A. Yes sir, it was about dusk then. And I ran to the Mole, and they fired me overboard; knocked me overboard.

Q. What time was this?—A. I should judge it was about four o'clock and half past four; between there. Then I got out of the water again, and I got on the Mole, and got a stick; and I fought my way to the statue in front of the Mole. I then jumped over inside of the railing there, and I got a larger stick, and I fought my way through the crowd, and ran up the street. Some men caught me, and tried to put me in a cellar, it seemed to me like, and I would not go. I broke away from them and ran up the street. And a French man of war officer took me and carried me into a French clothing store, and from there I was turned over to the Chilean officers, and carried to the hospital. I was struck in the head at the Mole, in the water.

Q. By whom were you struck on the head while you were in the water?—A. By the mob on the dock. I didn't see the men who threw the stones.

Q. What did the mob consist of?—A. It consisted of soldiers and sailors and citizens.

Q. Chilean soldiers and sailors and citizens?—A. Yes sir.

Q. How long did you remain in the hospital?—A. I was five days in the hospital; four or five days.

The U. S. ATTORNEY.—Q. In the Prison Hospital?—A. In the prisoners' ward of the hospital.

The JUDGE ADVOCATE-GENERAL.—Q. That was all that you saw that day?—A. Yes sir; that was all I saw.

Q. Were you in your uniform at the time of these occurrences which you have related, on the 16th of October last?—A. Yes sir.

Q. Had you any weapons, knives, or arms of any kind?—A. No sir.

Q. About you at that time?—A. No sir; the only weapons I used were stones and sticks that I could pick up on the street.

Q. How did you use those?—A. I used them in self-defense.

Q. Did you see any weapons, arms or knives used by any of the crew of the "Baltimore" on that occasion on shore?—A. No sir.

Q. Or in their possession?—A. No sir.

Q. Did you have any warning of any apprehended difficulty or dis-

turbance, prior to your landing, or after your landing at Valparaiso?—A. Yes sir.

Q. That day on leave?—A. Yes sir.

Q. What was it, and by whom was it given you?—A. Well, we went to the bumboat man on the mole; we call him "One-eyed Tom"; I don't know his name; he is an American. He said that we had better keep in a body; that he thought there would be trouble. That is all I heard about that.

Q. Was that when you landed, the day you landed?—A. Yes sir.

Q. Had you, prior to that time heard of any apprehended trouble from any person, should you land?—A. No sir.

Q. You heard nothing before that?—A. No sir.

Q. Did you notice anything unusual on the part of the crews of the Chilean ships as you were going to the shore to land, on liberty that day?—A. Yes sir; they shook their fists at us; made motions across their throats, as though they would like to cut our throats, or something to that effect.

Q. That was the crews of the Chilean ships?—A. Yes sir; the Esmeralda and the Huascar. Those were the only two we passed as we went ashore.

Q. About what time was it when this French officer met you and escorted you to the hospital?—A. I was beat in the body; I could not walk. The next morning I was in the hospital.

Q. From these blows you received?—A. That blow was slight; but I was beat in the body with stones; I was stiff. I should judge it was about seven or half past seven when I got to the hospital. It was after dark when I got to the hospital.

Q. You say that it was about dusk when you were pressed overboard?—A. Yes sir; about half past four o'clock, sir. Taking that time from the time we were up in the "True Blue," which I judge to be about three o'clock; and I am judging what time it took me to get to the mole.

Q. If I understand you, you said it was about dusk on that day when you were pressed overboard?—A. Yes sir.

Q. And you conclude, as I understand you, that while it was about dusk, it was about half past four o'clock?—A. Yes sir.

Q. What was your condition as to sobriety, at the time of these occurrences?—A. I was perfectly sober. I don't believe there was a drunken man on shore from our ship.

Q. Did you see many of them on shore, after they had been there several hours?—A. Yes sir; I passed them on the street several times, walking back and forth.

Q. Many of them; many of the sailors of the "Baltimore"?—A. No sir; I didn't see many of them; because we were in a different part of the city from where the main body of the liberty party was.

Q. What was the condition of those that you did see, as to sobriety?—A. I should take them to be sober.

Q. Sir?—A. I should take them to be sober.

Q. Did you see any disorderly conduct on the part of the "Baltimore" crew on shore that day?—A. No sir.

Q. Have you stated now all the occurrences of disorder that you witnessed while you were on shore that day?—A. Yes sir.

Q. Did you at any time while you were at Valparaiso, express your approval of the action of the Chilean police on that day, towards the enlisted men of the "Baltimore"?—A. On shore, or on board the ship?

Q. On shore, at Valparaiso?—A. No sir.

Q. Why do you say "on shore, or aboard the ship"?—A. Well, we might have been talking about this matter aboard the ship.

Q. I said, did you express your approval of the action of the police?—A. No sir; I never did. The police gave us no protection at all, as far as I could see.

Q. Did you see any of the crew of the Baltimore who were being assaulted or robbed on that day; any others?—A. No sir; only Riggin and Talbot.

Q. Did you see the assault on Riggin and Talbot?—A. I didn't see the assault; but I seen them beating them afterwards; trying to catch Talbot, and Riggin was lying in the street.

(Sgd.)

J. H. DAVIDSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John H. Davidson, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN H. HAMILTON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John H. Hamilton, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN HAMILTON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating and present station.—A. John Hamilton; carpenter's mate United States Navy, serving as such on board the "Baltimore" at the present time.

Q. What is your age?—A. I am 49 years of age the 6th day of this month.

Q. Were you attached to the 'Baltimore' in your present rating on the 16th day of October last, when that vessel was in Valparaiso, Chile?—A. Yes, sir.

Q. Did you go on shore on that day with others of the liberty party from that vessel?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred that

day at Valparaiso, between Chilean sailors or others, and the members of the crew of the "Baltimore" who were on leave?—A. Yes sir; I was personally interested in one of the encounters there.

Q. State all the facts and circumstances within your knowledge, relating to such disturbance or difficulty?—A. I went ashore on liberty. The first place we went into, was the money exchange, or broker's exchange.

Q. On what date was this?—A. This was on the 16th of October last. And we were warned there by the broker, or by the broker's clerk, the man in there who changed the money for us, that we had better keep indoors, as the mob of Chile was going to kill us; that the mob were going to go for us.

Q. This money exchange man spoke English?—A. Yes sir.

Q. What time was this?—A. This was just after we got on shore, sir.

Q. What time was that?—A. That was between one and two o'clock on the afternoon of the 16th of October last. I couldn't tell you exactly the time. After we got outside the door, me and three or four others of the crew—

Q. Who were they?—A. McBride, Carson, McAdams, and I forget how many more; but anyhow we were all talking together, and a lot of men, whom I supposed were beach-combers; what you call a tramp here; a man that is discharged from a ship, or runs away from a ship; they come and told us not to be out after dark on the streets.

Q. Did they tell you why?—A. Yes sir.

Q. What did they say?—A. They said that the mob there was going to go for us. That was the expression there all of the time, that the mob there was going to go for us. I thought that they were after the price of a drink; they always are in a foreign country; and I gave one fellow ten cents, and said "all right." And we turned around and went away from him. Carson wanted a drink of water, and we said, "Come in here, and we will get a cigar." We went into a Scotchman's; I forget the name of the place; and we told him, after having a cigar, we told Carson, "You had better take a drink of lemonade, or something, to pay the man any way"; and he laughed and said he would have a lemonade, or ginger beer. It was a temperance drink anyway. We knew very well from what we had heard on board ship, that they were going to tackle us there.

Q. Had you heard anything more prior to this time, that you were going to be attacked; had you heard anything before this?—A. The bumboat man, and a great many that came to the ship, said there was a terrible ill-feeling against us.

Q. Who were they?—A. Fellows that kept barrooms ashore. I don't know their names.

Q. They were residents there?—A. Yes sir; they live in Chile now.

Q. They told you what?—A. They told us there was a terrible ill-feeling against us there.

Q. On the part of who?—A. All the riff-raff of Chile; discharged soldiers and sailors, and cutthroats and everything. They told us there was a terrible ill-feeling against us. This Scotchman who kept the place, told us the same.

Q. What did you understand from him was the cause of this ill-feeling? What did he say?—A. He said it was some affair about the "San Francisco," I believe; and about the "Itata" affair. They blamed the "Baltimore" for the Itata business; they had that against us.

Q. You understood that that was the cause of this expected attack;

is that it?—A. Well, that, and the general hatred of Americans in particular.

Q. Go on.—A. We got in there, and this old Scotchman also told us; he says, "Boys, don't be out after dark. Get a room, and be in before dark." And I think it was McBride asked him what he meant by that. Well, he told us in his own style, that the mob there had made threats; that it was an organized talk there to damage us fellows in any way they could, when we went ashore; to kill us; that is what he said.

Q. This man who told you this was the proprietor of this saloon?—

A. Yes sir. Just as you land from the Mole here, you go right across the square, the Prat monument square, and right there is the broker's office; and this man was down on the same street with the money broker, about half a block from there.

Q. Which way did you turn from the Mole?—A. To the right. As you cross the square, the Prat monument is there, and right at the corner of this street on the square, is the broker's office. We stood outside the door for a little while, and then went three or four doors down that block.

Q. Is that street where the Intendencia building is?—A. I don't know where that is. I only know where the jail is. Then he told us that it was an organized talk ashore that they hated us, and that they blamed us for all these things; and that they were going to get square with us. Of course we saw the necessity then of keeping very sober. And me and McBride and Carson went from there up to a cigar store on one of the pretty large streets. We turned up to the left from the Pratt square, and we went into this cigar store. He was a friend of Carson's, and we all bought a dozen cigars each, just because he was friendly. We went from there up to the Victoria Plaza. We thought there was going to be a performance of a theatrical company there that afternoon, and we were going in there. We got up there, and from information we gleaned there, we found out there was not going to be any performance. While standing there on the square, Captain Schley and Mr. Sebree passed down. We opened ranks and let them go through the middle of the sidewalk. We stayed around there for quite a length of time; I couldn't tell you exactly how long.

Q. About how long?—A. I couldn't tell you. Well, probably three quarters or half an hour; may be more or less. From there we came down towards the Prat Monument again, down to that part of the city. We went in and had a glass of beer. Carson stopped talking to a friend of his, and then we went from there down to Riley's saloon, a saloon kept by Riley. That is away down further, on the right of the landing.

Q. Is it on the water front?—A. Well, it is not far from the water. I couldn't tell you the name of the street. We went in there, and I sat down there, and played a game of Spanish poles with Gallagher, a fireman; he was a pretty good player. And we sat down there, and played about a dozen games.

Q. Does Gallagher belong to the "Baltimore"?—A. Yes sir; he is one of the crew of the "Baltimore." And we spoke about getting something to eat. It was getting on pretty well towards evening; I don't know exactly what time it was.

Q. About what time was it? We don't expect you to tell exactly the minute?—A. No sir; I can't tell the time. I didn't pay any attention to it. We were playing the game, and smoking pipes. After we finished playing, I went to the door to go out. It was just getting on dusk; half past five or five o'clock; somewhere there. I came out to the door, and

Davidson came along and told me that Biggin was knocked down in the street; and I asked him where, and he pointed down in that direction. (Showing). And I put my head inside the door, and I said, "Come along, boys; let's get him out of there"; and I started down the street. After I got down to this corner here, this mob met me, and the first thing I knew they were saying, " * * * Americano."

Q. Was that addressed to you?—A. Yes sir; I was the only one there. I knew it was some reflection on me, anyway.

Q. How much of a crowd was there?—A. Well, I should judge perhaps there were fifteen or twenty, or something like that.

Q. What were they?—A. Well, they were a sort of riff-raff crowd. There was one fellow there dressed in a blue uniform.

Q. Was he a sailor?—A. I couldn't tell whether he belonged to the Navy then or not; but he had a uniform on. And there were some fellows there that had white working clothes on, and the other fellows were dressed in every which way.

Q. What did they do?—A. They commenced to hammer stones at me, as fast as they could fire them. One fellow came near me, and I hit him. I would have done it anyway; but he came near enough for me to hit him, and I hit him.

Q. What did you hit him with?—A. I hit him with a lump of lead.

Q. Where did you get it?—A. I got it in what you may call him's store.

Q. Who is "what you call him"?—A. In Riley's store.

Q. What shape was it?—A. It was a piece of broken pipe. I wanted a weapon. I asked Riley if he had anything. If he had given me a revolver, I would have taken it.

Q. Did you have any arms about you?—A. I had a knife like that. (Showing.)

Q. That is a pen-knife?—A. Yes sir.

Q. It is not a jack-knife?—A. No sir.

Q. And you had nothing else about you?—A. Nothing else.

Q. Why did you take this chunk of lead?—A. It was used for a paper weight or something. It was on the bar, and I took it in my hand like that. (Showing.)

Q. Go on.—A. And I went down, and I struck this fellow with it, and he went down.

Q. He was tackling you?—A. He came at me with a stone. He was as near me as you are now, and he made at me. The others were firing stones. They formed a semi-circle around me.

Q. Were your other men with you there?—A. No sir; I called them and asked them to come along, but they didn't seem to come. I went down there alone, and when this fellow was coming for me, the stones were coming so thick I didn't know exactly what to do, and I dodged half a dozen stones. One of the stones hit me on the back of the neck; the lump is there now. I remember I was very near going down, and I went and tried to recover myself, and I hit against the wall, and that seemed to shove me out on the sidewalk, and I went down head first; and then I couldn't tell you any more.

Q. Did this crowd pile upon you then?—A. They must have, because I had five or six cuts in my head, and a couple of cuts in the body.

Q. What kind of cuts in the body?—A. I think this one (showing) was with a bayonet.

Q. Are you wounded there?—A. Yes sir; here and here. (Showing.) On the right side, and in the right hip.

Q. You think that was a bayonet wound?—A. Yes sir.

Q. Which one?—A. These are the pants that I wore, and there is the wound it made. (Showing.) When I was down, it was driven up this way. (Showing.)

Q. Could you feel it?—A. No sir, but I felt it the next day.

Q. I mean then.—A. No sir; I didn't know what they did then.

Q. Did you see any police in this crowd, or any soldiers?—A. No sir.

Q. You didn't see any at all?—A. No sir.

Q. Did you see any arms in the hands of this crowd that surrounded you at the time?—A. Well, I couldn't exactly tell what they had in their hands, the stones were coming so thick. I was not watching them.

Q. You were knocked senseless?—A. Yes sir.

Q. Were you stabbed, or were these wounds given to you while you were down in the gutter?—A. Yes sir.

Q. Did you fall in the gutter near the sidewalk?—A. Yes sir; I fell in the gutter just outside the sidewalk.

Q. Were you knocked senseless?—A. I must have been, for I remember nothing else.

Q. How many wounds did you have?—A. I had two wounds; I had two instrument wounds, and four or five wounds from stones.

Q. I want to locate this place where this row took place. Look at the plan there of the city of Valparaiso, and locate as near as you can the place where you were knocked down; where you were knocked senseless?—A. I think it was about here, on Calle Cochran. (Showing).

Q. About the middle of the block?—A. Yes sir; very near the middle of the block.

Q. In the street?—A. Yes sir; about northward of Marquez Street.

Q. Well, now, go ahead. What occurred next?—A. I was knocked senseless, and I didn't remember anything after that until I got in the hospital, the next morning. I woke up in the hospital the next morning.

Q. In the prisoner's ward?—A. With soldiers guarding the door; in the prison ward.

Q. How long did you remain in the hospital?—A. Well, I couldn't tell you exactly how many days. I came out the same day that Turnbull came out. I couldn't tell you exactly how many days it was.

Q. About how many days?—A. Well, about five days.

Q. Then where did you go?—A. I was taken on board the "Baltimore."

Q. You were taken back to the ship?—A. Yes sir.

Q. How long were you disabled on account of these wounds?—A. 35 days. That includes the hospital, and everything else.

Q. You were off duty that time?—A. Yes sir.

Q. That is, they rated you unfit, disabled you for duty for that length of time; is that it?—A. Yes sir.

Q. Were you in uniform during all these difficulties?—A. Yes sir; I was in full uniform.

Q. What was your condition as to sobriety, at the time that you were assaulted and knocked senseless by this mob?—A. I was sober, sir.

Q. What was the condition of the rest of the members of the crew of the "Baltimore" that you saw on shore that day, as to sobriety?—A. They were all sober, sir.

Q. You didn't see a drunken sailor from the "Baltimore" on shore that day?—A. No sir.

Q. Did you see many of them on shore?—A. Yes sir; I saw quite a lot of them on shore.

Q. Well, now, did you see any further disturbance or difficulty than the one that you have mentioned here, on that evening?—A. No sir.

Q. Did you at any time, to any person or official, while at Valparaiso, express your approval of the action of the police authorities on that occasion towards the crew of the "Baltimore," who were on liberty there?
 A. No sir, I did not. I can say that the police did not do their duty at all. If they did, the thing would not have occurred.
 (Sgd.)

JOHN HAMILTON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John H. Hamilton, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set by hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
 Northern District of California.*

DEPOSITION OF CHARLES EBLE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Charles Eble, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

CHARLES EBLE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. My name is Charles Eble, and I am coxswain.

Q. Where are you stationed?—A. On the U. S. S. "Baltimore".

Q. What is your age?—A. My age is 23 years.

Q. Were you attached to the "Baltimore" as a member of her crew on the 16th of October last, when that vessel was at Valparaiso?—A. Yes sir.

Q. Did you go on shore with other members of the crew of the "Baltimore" on liberty at Valparaiso that day?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring that day at Valparaiso, between Chilean sailors, or others, and the members of the crew of the "Baltimore" who were on leave there that day?—A. No sir.

Q. Did you understand the question?—A. Yes sir. I don't know anything about it, personally.

Q. You didn't see any disturbance there that day?—A. No sir.

Q. Did you see the boatswain's mate, Riggins, and John W. Talbot, another member of the crew of the "Baltimore" that afternoon at Valparaiso?—A. Yes sir.

Q. Where did you see them?—A. I saw them at two o'clock. I don't know the name of the Plaza. It was in Valparaiso.

Q. It was on the Plaza?—A. Yes sir.

Q. What was going on?—A. They were in a saloon taking a drink.

Q. What occurred at that saloon?—A. There was nothing occurred there.

Q. Was there any disturbance occurred outside?—A. No sir.

Q. You don't know of any disturbance there?—A. No sir.

Q. What was your condition as to sobriety that day?—A. I was perfectly sober, sir. I had just gone on liberty.

Q. When did you return to the ship?—A. I returned the next morning.

Q. Were you assaulted by any person on shore?—A. No sir.

Q. Were you in uniform?—A. Yes sir.

Q. Where were you all the time?—A. I was in the southern part of the town.

Q. Were you in a house?—A. No sir; I was around the streets. There was no disturbance in that part of town at all.

Q. You didn't see any disturbance?—A. No sir.

Q. What was the condition of the other members of the crew whom you saw on shore that day on liberty?—A. They were perfectly sober, sir.

Q. How did you get back to the ship?—A. In the ship's boat.

Q. The next morning?—A. Yes sir.

Q. Were you in uniform?—A. Yes sir.

The UNITED STATES ATTORNEY.—Q. Did any of the crew of the "Baltimore," when you saw them on shore, have arms or weapons of any kind with them, to your knowledge?—A. No sir.

Q. Did you see disorderly conduct on the part of any of the crew of the "Baltimore" on the occasion referred to?—A. No sir; they were all perfectly sober. They had just got on shore. It was an hour after we got liberty; and we passed down the street.

Q. You were not drifting about the streets much with them, were you?—A. No sir; we had just landed from the boats, and had passed down the street to the Plaza Victoria.

Q. During the time you were on shore that afternoon?—A. That was the only place I went; down the street to the Plaza Victoria.

Q. Then you went into a house and remained there that evening?—A. Yes sir. I knew it was unsafe to go out, from the conversation between me and Riffin.

Q. Had you been told that it was unsafe to go out?—A. Yes sir.

Q. Did you see any active hostility on the part of any Chilean sailors, as you passed their ships?—A. When we got back in a carriage, we stopped right almost in front of the "Shakespeare", and we got out, and we saw a crowd congregating there, of about 200 people. And there were three women came across the street to put Vandam back in the carriage, and he would not go in the carriage. I wanted to see what it was, and they told me they were killing a lot of our men around there. And I looked around and I didn't see anybody, and I got into the carriage and was driven down town.

Q. While you were on shore that afternoon, had you any reason for not going around town very much?—A. Yes sir, as I was landed on the wharf, I was told that the sailors in the upper part of town were going to attack us.

Q. For what reason?—A. They didn't say the reason.

Q. Did they say there was going to be any trouble?—A. Yes sir; a friend of mine there on the wharf told me there was liable to be trouble.

Q. And for that reason you stayed inside the house?—A. No sir; I didn't stay inside of the house. I was in a different part of the town. In the saloon, in conversation with Riggin, he was not drunk at all, sir; because he remarked to me that he would not drink anything; that he expected to have trouble, and he was not going to be the one to provoke it. There was Riggin, Downie, Talbot and Honnors in there.

(Sgd.)

CHAS. EBLE.

UNITED STATES OF AMERICA,

State and Northern District of California. ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Charles Eble, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th. day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof I have hereunto set my hand this 9th. day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JEREMIAH ANDERSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Jeremiah Anderson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JEREMIAH ANDERSON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, age, rating, and present station.—A. My name is Jeremiah Anderson.

Q. What are you aboard ship?—A. I am a coal-heaver.

Q. On what ship?—A. On the "U. S. S. Baltimore."

Q. Were you a coalheaver on board the "U. S. S. Baltimore" at Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty on the 16th day of October, at Valparaiso, with the other members of the crew of the Baltimore?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred there that day at Valparaiso, between Chilean sailors or others, and the members of the crew of the "Baltimore" on leave there?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to any such disturbance or difficulty at Valparaiso on that day?

—A. Well, sir, when we first landed there, we went ashore; I didn't pay any attention to the time when we got liberty.

Q. Did you go in the first liberty party?—A. Yes sir, I went in the first party. I think that was about one o'clock.

Q. Go on.—A. And just after we landed on the dock, we went up to the Exchange office, and got our money changed into Chilean money there; and then we went right across from there, and took a hack; me and Willis and Wallace and Williams took a hack, and we rode around about three hours; riding all around town, looking on.

Q. Who were these men that were with you?—A. They belonged to the "Baltimore." And then, after we got tired of riding around, me and Wallace and Williams thought we would take a walk around and look on. So we went into a saloon and we sat down there talking, and Riggins came in; Riggins and Talbot and Davidson.

Q. Do you know where that saloon was?—A. That was up above the place they call Ship Street.

Q. What was the name of the saloon?—A. I don't know.

Q. Would you know it if you heard it? Was it the "True Blue"?—A. Yes, sir; it was the "True Blue." That was the place. Then when Riggins came in, he says, "Boys, for God's sake don't drink anything this evening, because we might have trouble. Some fellows think we will have trouble here to-night. If I was you fellows I wouldn't drink anything. If we stand by one another we can keep the Chileans from doing us up." We told him all right. Riggins sung and had a good time in the place, and in about an hour he went out. I don't think it was quite an hour, and then I left.

Q. An hour after Riggins?—A. Yes sir; I left. Me and Wallace left, and left Willis there and Williams. And when we went out, we kept on up the hill, not down town. When we got out the street was kind of blocked off. We went in a house up there, and we stayed there a few minutes. We looked in and came out; there wasn't any blue jackets up there. We came out, and we didn't see any street to go by, and when we turned to come back, a lot of Chileans had formed a line right behind us.

Q. You turned to go back to the "True Blue"?—A. Yes sir.

Q. How far were you from there then?—A. About three blocks up the hill.

Q. About three block beyond the "True Blue"?—A. Yes sir.

Q. What were they; Chilean sailors?—A. Yes sir; every one of these men were Chilean sailors, that I could see.

Q. About how many did you see of them?—A. There looked to me to be about twenty; but there were more around the corner. I could not tell who were around the corner. So I stopped, and I heard the stones falling.

Q. Where were they falling from?—A. I will tell you in a few seconds. I was walking alongside the houses, and I was thinking the stones were falling from the hills down on us; the hills were high there. And I ran across the street, and I stopped then, and I told Wallace to look out, to look at all the men there. And Wallace said, "there is too many men for us to tackle now. We had better get away"; and I said, "Just as you say." So then we made a rush up the hill, and we came to the end of the street, and we jumped into somebody's porch; and the porch followed all the way around; and we were going around on this porch, and we were so long in going around.

Q. What were you running around there for?—A. The Chileans were after us.

Q. Following you?—A. They were following us up close; stoning us.

Q. Throwing stones at you?—A. Yes sir.

Q. What were they saying?—A. We could not understand what they were saying. They were speaking in Spanish, and we could only speak English. So me and Wallace jumped over from this porch, and there was a ditch there, and we ran up the ditch, and followed it, and jumped on a bridge. We took right over, run right into a house across a hill, and we went into this house, and the woman came out, and she made a sign with her hand not to come in there; that they would come into her house and catch us anyway; and she pointed that way, (showing), to go and strike the ship. We ran down the hill the way we came, and crossed on the opposite hill from there, and that threw us next to the ship. And when we got up the hill, Wallace was so far behind, that I waited for him; and he said, "I can't run any more; I am out of wind."

Q. Were these people following you then?—A. Yes sir; they were following us; but they had not reached us yet. And Wallace said, "I can't run any further. I am tired, and they will catch me anyway." So I said, "we might as well die one way as another"; so I thought when the Chileans come up to us, we would show fight. The Chileans came up to him, and one of them said, "Hold on. All right; we won't hurt you". Well, we felt a little better; and they got up to us, and the first one to come up to us said that he wanted our money.

Q. Was there only one that came up to you first?—A. Well, there is always a ringleader. There were about twenty coming up, but this one was the first one, the head. After he spoke to Wallace for his money, Wallace said to me, "Jerry, we had better give him some money"; and I said I hadn't any money to give them. I will keep my money, what I have got. And he said that it was better to give them money than to be killed by them; and I said no, that I would hold mine. So Wallace handed him some money.

Q. You and Wallace were there together?—A. Yes sir; we were the only two there. Wallace gave him this money, and after Wallace gave him the money, he came to me for mine. And then he commenced to take hold of me by the handkerchief, and wanted me to undress, and I didn't like that.

Q. He was searching you; trying to search you?—A. Yes; he was going through me. And I took my hand like that (showing), and knocked him away from me like that. (Showing.) And at that time I felt something strike me in the back behind. What it was I couldn't tell at that time.

Q. How far off was the crowd from you?—A. When he was searching me for my money, then there were several men behind me, close up. We were surrounded then by them. Then after I knocked this man back from untying my handkerchief, this other one, I suppose, stabbed me in the back then.

Q. You were stabbed then?—A. Yes sir. Wallace said I was knocked down. Of course I would not say that I was not. I was struck in the mouth a terrible blow, with a stone. Wallace said I was knocked down, I would not say I was not, because a man who is knocked senseless don't know anything.

Q. You were knocked senseless at this time?—A. I don't know whether I was or not; but when I came to my recollection, I was going down to a deep valley that way. (Showing.) I don't know which way Wallace went at all. Then when I turned, when I looked around, I saw the Chileans were scattered and running away. I don't know how long I

had been fighting, because I get excited when I get into a row in that way. I don't know whether I got the best of them; but I know they were scattering each way from me. When I got a little ways I felt my back, behind me, and I felt a little warm behind me, and I put my hand on my shirt, and I found I was bleeding; and I thought I was cut then, some place. So then I looked over, and I could see the lights from the ship, and I crossed the hills to the ship.

Q. Where were you cut?—A. I was stabbed on each side of my backbone.

Q. Only one stab?—A. No sir; two stabs.

Q. In two places?—A. Yes sir; one on each side of the backbone.

Q. Were you stabbed after you were knocked down senseless?—A. I got both the stabs while I was standing up.

Q. What time was it you were going down to the boat?—A. I think it was near nine o'clock.

Q. About what time was it when you were stabbed and knocked down there?—A. That was about six o'clock in the evening, I think.

Q. As near as I understand you, the location where you were knocked down and stabbed was up on the hill?—A. Yes sir.

Q. About how far was it from this saloon where you were there with Riffin?—A. We were out from the houses entirely; a quarter of a mile from there.

Q. Up on the hill?—A. Yes sir; leaving the city entirely.

Q. Who was that that was with you?—A. Me and Wallace.

Q. What was the condition of Wallace and yourself as to sobriety at the time?—A. Well, we were walking around, just looking at the City. We were all right.

Q. Were you drunk or sober?—A. No sir; we were not drunk at all; because we were scared to get drunk, because we expected to get beat when we went there.

Q. What was the condition of the other sailors from the "Baltimore" that you saw, with reference to sobriety?—A. Of every one of the sailors I saw, I didn't see a drunken man in the crowd.

Q. Of the sailors from the "Baltimore"?—A. Not a drunken man from the "Baltimore".

Q. Did you see any of them, any sailors of the "Baltimore", who were disorderly; who were picking up a row?—A. No sir; not a one kicking up a row.

Q. Were you robbed while you were lying on the ground insensible?—A. No sir; I will fight just as long as I can, and I suppose I got the best of them; and they could not get my money. They got Wallace's money. Wallace said I was knocked senseless, but if I was knocked senseless, I didn't know anything about it. When I got over this hill down here, I remember when I was going, and I dropped on my knees. I know I jumped over this bank; when this man struck me, I jumped over this bank, just like sliding over that table. I know when the man struck me in the mouth with a stone, and Wallace says I was knocked senseless; that is the time Wallace says I was knocked senseless.

THE UNITED STATES ATTORNEY.—Q. Where were you when you came to?—A. When I got over this bank?

THE JUDGE ADVOCATE-GENERAL.—Q. After you recovered your consciousness?—A. I was stunned. I was not senseless. I was stunned, but not senseless.

Q. They didn't knock all the sense out of you?—A. No sir; but I was stunned from the blow. So I looked again over this hill, and there was the same Chileans were running the opposite way from me.

Q. They were not near you?—A. No sir; they were running down from me.

Q. Where did you have your money? Where did you carry it? Where was it?—A. I had ten dollars Chilean money up here (showing).

Q. They didn't get that?—A. No sir. And the rest of it I had in this pocket down below (showing).

Q. Did you have any arms or weapons about you?—A. No sir.

Q. Either of you; you or Wallace?—A. No sir.

Q. Did Wallace, or any of them?—A. No sir; Wallace might have had a penknife. Generally all the men have a penknife.

Q. Did they have any knives?—A. No sir.

Q. Did you ever at any time, to any person or official, while you were there at Valparaiso, express your approval of the action of the police on that day?—A. No sir.

Q. Did you see any police on that day?—A. I saw one, while we were riding around in the hack.

Q. Were you informed before you went ashore that there probably would be a row, or an attempt made, or an attack made on the crew of the "Baltimore" when they went ashore on liberty?—A. Before we went ashore, a colored fellow named "Joe," came aboard the ship, and he said, "Boys, don't you fellows come ashore; you had better stay on the ship."

Q. When was that?—A. That was a couple of weeks before we got leave.

Q. Did he say why you had better not come on shore?—A. He said the "Baltimore's" crew would be mobbed when they got there.

Q. Why did he expect they would be mobbed when they got on shore?—A. Because he was living on shore; that is how he knew it.

Q. Did he say why you would be mobbed?—A. He said that they had it in for the ship; during the war, I suppose, the Chileans could not do exactly as they pleased down in that quarter.

Q. Who is this "Joe" you speak of; what was he? A bumboat man?—A. No; he kept a place ashore.

Q. He came off to the ship as a friend?—A. Yes sir; he came off as a friend.

Q. He was a colored man, too, was he?—A. Yes sir. He came there giving us advice not to come ashore. This same place where me and Riffin was at, this man that kept this place, I don't know whether he had an idea there would be any row there, but he told us that if there was any row, if there was going to be, we had better come and get into his place and stay there.

Q. You and Wallace and the rest were in uniform?—A. Yes sir; we were all in uniform. All the crew were in uniform.

(Sgd.)

JEREMIAH ^{his} X ANDERSON.
mark.

Witness to signature:

(Sgd.) B. LANFAR.

(Sgd.) J. S. MANLEY.

UNITED STATES OF AMERICA,

State and Northern District of California. ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Jeremiah Anderson the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was

taken on the 8th. day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF LEE ANDREW WALLACE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California and on the 8th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Lee Andrew Wallace, who, after being duly cautioned and sworn, did depose and say as follows, to wit:—

LEE ANDREW WALLACE, having been duly sworn, testified as follows:—

THE JUDGE ADVOCATE-GENERAL.—Q. State your name, rating and present station.—A. My name is Lee Andrew Wallace; my rating is a coal-heaver.

Q. Where do you belong; what vessel are you attached to?—A. I am attached to the "U. S. S. Baltimore."

Q. What is your age?—A. I am 27 years of age.

Q. Were you attached to the U. S. S. "Baltimore" as a coal-heaver, when she was in Valparaiso in October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on the shore that day at Valparaiso, between Chilean sailors or others, and members of the crew of the "Baltimore" who were then there on leave?—A. Yes sir.

Q. Please state all the facts and circumstances within your knowledge, which relate to such disturbances or difficulties?—A. Well, Jerry Anderson and myself were together; we were coming down street.

Q. You went ashore on liberty, didn't you?—A. Yes sir.

Q. What time did you leave the ship?—A. We left the ship at half past one o'clock, I think.

Q. About half past one o'clock?—A. About one or half past one.

Q. And you and Jerry Anderson were together?—A. Yes sir.

Q. Go on. What did you do?—A. We were coming down the street. We had been up town, and were coming down the street, and a gang of men were coming up street; sailors and soldiers.

Q. Chilean sailors and soldiers?—A. Yes sir.

Q. In uniform, were they; the sailors?—A. Yes sir.

Q. In Chilean uniform?—A. Yes sir.

Q. Go on.—A. They commenced throwing rocks at us.

Q. They commenced what?—A. They commenced throwing rocks at us at the time they saw us; and we turned and ran, to get out of the way of them.

Q. Had you said anything to them at all?—A. No sir; we hadn't got within a hundred yards of them. We didn't have any chance to talk with them at the time they saw us and recognized the uniform we were in. They commenced firing stones at us right then.

Q. You had on your uniforms, both of you?—A. Yes sir; the same as we are now.

Q. Before that had you been in a saloon with Anderson, where you met Riggins and others?—A. We were in a saloon with Riggins, Davidson and Jack Talbot.

Q. Before this?—A. Yes sir.

Q. Go on.—A. These men commenced throwing rocks at us; and there were so many of them, we had to run to get out of the way of them. We ran half a mile, more or less.

Q. Which way did you run?—A. Uptown, towards the light-house.

Q. Well, go on.—A. After we ran a certain distance, they overtook us.

Q. Who overtook you?—A. The sailors and soldiers, mixed together. We could not understand what they said any more; and they asked if we had any money, and they got around us. After they got to us, Jerry Anderson and myself were about five or six yards apart, and one gang got around me, and another gang got around Jerry.

Q. What did they say?—A. They demanded our money; they had knives, and were throwing rocks all the time.

Q. They had knives drawn?—A. Yes sir.

Q. And threw rocks?—A. Yes sir.

Q. What did they threaten to do?—A. They said that if we didn't do it, they would kill us. That is what I understood.

Q. If you didn't give them your money?—A. Yes sir, they took my money.

Q. How much money did they take from you?—A. I had eight paper dollars, and half a pound, English money.

Q. Did they take it all?—A. Yes sir.

Q. Then what did they do?—A. Then they beat us. I couldn't tell what they did with Jerry, because there was a gang around me.

Q. What did they do with you?—A. They knocked me down and were going through me, and an officer came up in a different rig from the rest of them, and he said something to them in their language; and he carried me down to the wharf.

Q. An officer?—A. I guess he was an officer; he had a different rig from the rest of the soldiers.

Q. Was he armed?—A. No sir; I don't think he was armed.

Q. He had you taken where?—A. He said something to the men in his language, and he took me down to the wharf.

Q. About what time was that?—A. About six o'clock or half past six.

Q. What time was it when the mob first chased you. Was it about that same time?—A. No; when the mob first chased us, it was four o'clock or half past four. We were in a different street from the rest of the men.

Q. Were you knocked down by this crowd at the time they attacked you up on the hill?—A. Yes sir.

Q. Did they knock you senseless? Did you see and know everything that was going on all the time after that?—A. No sir; I couldn't tell everything that was going on, because I was frightened.

Q. Were you hurt any?—A. No sir; not seriously. I was frightened, so I didn't know what was going on.

Q. How long did you lay up there? How long was it that they surrounded you?—A. Altogether, from the time we first got up there, I guess it was half an hour, or more or less; three quarters of an hour.

Q. Where were you all the time after that, before you got down to the dock, at six o'clock?—A. It was a long way from the dock.

Q. How long did it take you to go down, after you started with this officer?—A. About 15 or 20 minutes, I guess, sir.

Q. Were you injured at all?—A. No sir; no more than a little scratch on my head. Nothing to amount to anything.

Q. What were you hit on the head with?—A. With a stone, I guess.

Q. Did you have any knife or weapon, or any arms about you?—A. No sir.

Q. How did you get back to the ship?—A. I came in our steam whale boat.

Q. What time did you get back to the ship?—A. I guess it was six o'clock; I couldn't say positively.

Q. Was it that same night, on the 16th of October?—A. Yes sir, I came back the same night.

Q. Did you at any time, or to any person at Valparaiso, express your approval of the action of the police on that occasion?—A. No sir; I didn't see any police.

Q. Only this one that took you down?—A. This officer.

Q. I didn't ask you that. I asked you whether you expressed your approval of their action? Did you say that to anybody afterwards?—A. No sir.

(Sgd.)

L. A. WALLACE.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Lee Andrew Wallace, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF FRANK HONNORS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Frank Hon-

nors, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

FRANK HONNORS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station?—A. My name is Frank Honnors; I am seaman apprentice, first class; on the U. S. S. "Baltimore".

Q. What is your age?—A. I am 21 years of age last January.

Q. Were you attached to the U. S. S. "Baltimore", when that vessel was in Valparaiso in October last?—A. Yes sir.

Q. Did you go on shore with other members of the crew of the "U. S. S. Baltimore" at Valparaiso, on leave, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on the shore that day at Valparaiso, between any Chilean sailors or others, and the members of the crew of the "Baltimore", who were on leave there that day?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to such disturbances or difficulties. Now go on and tell the story from the time you left the ship.—A. I went ashore at one o'clock in the liberty boat. There was Talbot, Riffin, myself and Downey of the "Baltimore". We went up town; away up to the upper part of town, and went in a place there, and Davidson came in.

Q. What place was it?—A. I don't know the name of the place.

Q. Was it a saloon?—A. Yes, sir; it was a saloon.

Q. Was it called the "True Blue"?—A. No sir.

Q. Go ahead?—A. Then the five of us came out of there and went to another place; and got in a hack; and we came down town again.

Q. You were up towards the Plaza Victoria first, were you?—A. Yes sir. We got in the hack, and we came down to the "Shakespeare"; and the man that kept it was closing up. We wanted to go in there, and he said, "You can't come in here"; and we said, "what for?" And he said he expected a fight to be going on.

Q. A fight with who?—A. He didn't say. Then we went up to the "True Blue"; and Downey and I went out to get a shave then from the "True Blue." We left Riffin, Davidson and Talbot in there. We had to stay about an hour in the barber shop.

Q. What time was it you got to the "True Blue"?—A. It was about a quarter to four, I guess it must have been. And we came out of the barber shop, and then we heard of the racket, of the fight.

Q. That was about what time?—A. Then it was about a quarter to four, I guess.

Q. A quarter to four? You said it was nearly five before?—A. No sir; I said it was a quarter to four. It was about a quarter past four then when we heard about the fight. It was about dusk.

Q. About what time was it when you went to the barber shop?—A. We went there right after leaving the "Shakespeare".

Q. About what time?—A. It was about a quarter to four.

Q. And you remained there for an hour?—A. Yes sir.

Q. Go on.—A. Then we heard of the fight; and we went into a place and came out, and we met a Chilean officer, and he tried to explain it to us; he was talking in broken English to us.

Q. About what?—A. About this fight. He had a little knife in his hand; and he was trying to explain about the fight; and he fetched us down to the Mole, and we could not get off.

Q. Why couldn't you get off?—A. Because there were no boats there. And I came back; we came back.

- Q. Where?—A. At the "Rainbow".
- Q. Right near the "True Blue"?—A. Yes sir.
- Q. Was there any disturbance going on then?—A. Yes sir. There was a mob rushing past there; and I was the last one in the door, and they shoved me in quick.
- Q. What for?—A. To get me out of the way; I don't know what else.
- Q. Was Downey with you then?—A. Yes sir.
- Q. Were you all in uniform?—A. Yes sir.
- Q. And he was in uniform?—A. Yes sir.
- Q. Did you see any mob?—A. Yes sir; there was a mob rushing past there, just as we went in.
- Q. Did they disturb you?—A. No sir.
- Q. Did you see them attack any of the crew of the "Baltimore"?—A. No sir.
- Q. Did you see any of the crew wounded?—A. Yes sir.
- Q. Did you see them wounded, or did you see them after they were wounded?—A. I saw them after they were wounded.
- Q. Where were you when you and Downey were arrested?—A. We were in the "Rainbow."
- Q. Is that in the neighborhood of the "True Blue" saloon?—A. Yes sir.
- Q. About what time were you arrested?—A. It was about eight o'clock.
- Q. Why were you arrested?—A. I don't know, sir.
- Q. Were you doing anything out of the way?—A. No sir.
- Q. Did you offer any resistance when you were arrested?—A. No sir.
- Q. Was there any charge made against you afterwards?—A. No sir; there were no charges made against me.
- Q. Was it explained to you why you were arrested?—A. They claimed that they arrested us for protection.
- Q. They said that?—A. Yes sir.
- Q. Who said that?—A. Some of the policemen who could talk English.
- Q. That you were arrested for protection?—A. Yes sir.
- Q. How long did they keep you in Jail?—A. I got out the next day.
- Q. Did you go aboard ship?—A. Yes sir.
- Q. Then you didn't see any disturbance; that is to say, no assault upon the crew of the "Baltimore"?—A. No sir.
- Q. What was your condition as to sobriety; and what was Downey's condition?—A. I was sober; we were all sober.
- Q. Was Downey sober too?—A. Yes sir.
- Q. Did you have any arms about you, or weapons; either of you?—A. No sir.
- Q. Any knives; either you or Downey?—A. No sir.
- Q. Were you warned before you went ashore, or afterwards, that there might be difficulty ashore there, if the members of the crew of the "Baltimore" came ashore?—A. No sir; only at the "Shakespeare." That man there told me.

(Sgd.)

FRANK HONNORS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Frank Honnors, the witness who subscribed to the foregoing dep-

osition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; the said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In Witness Whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN DOWNEY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John Downey, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN DOWNEY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is John Downey; I am a coal-heaver on the U. S. S. "Baltimore".

Q. What is your age?—A. I am 27 years of age.

Q. Were you attached to the U. S. S. "Baltimore" as coal-heaver when she was at Valparaiso, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" on the 16th of October last at Valparaiso?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on the shore that day at Valparaiso, between any Chilean sailors or others, and the crew of the "Baltimore" that were there on leave that day?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to any such disturbances or difficulties?—A. Well, sir, on the 16th day of October last there was I, Talbot, Honnors and Riggins; we went ashore, the four of us.

Q. At Valparaiso?—A. Yes sir, at Valparaiso.

Q. What day was it?—A. We went ashore on the 16th day of October last, at one o'clock in the afternoon. When we got liberty, we four were together; and we stayed together until about two, or half past two o'clock; or pretty close to three o'clock, I think it was.

Q. Where did you go when you went on shore?—A. We went up around the Plaza Victoria. We went up to that end of town first. We just happened to meet another shipmate in Miss Peterson's saloon. His name was Davidson; he came in and he says, "Where are you fellows going?" And we said we were going to stay in this part of town, and go to the show; the London Opera Company was in town at the time. We went up around the Plaza Victoria, and we got a cab and we started down, and we come into Calle Cochran. Well, we jumped off;

and before we got out, I happened to break a window in the cab, which cost me seven dollars. I broke the window, and I paid the man for it. When we walked into the "Shakespeare" saloon, me and Honnors and Riggin and Talbot and Davidson. We were in the cab together. This fellow that kept it I believe, is a Norwegian. We went in there, and he says, "Fellows, I aint going to keep this place open. The crowd is going to attack you."

Q. That is, the proprietor of the house said that?—A. Yes sir; the proprietor of the "Shakespeare"; Johnson, his name was. So I said, "Well, what do you say if we make a move around the corner, fellows"? So we went around there.

Q. Was it the "True Blue" house?—A. The "True Blue" house, yes sir. And we met Swanson and Wetteland. And Wetteland says to me, "Are you going to hold it down at the 'Shakespeare' to-night?" And I says, "I don't think I am now." So I says to Honnors, "Now it is about time for us to get a shave"; and Honnors says, "Just our place to go." And me and Honnors started off. First we had a drink together, me and Wetteland and Swanson. And Riggin and Davidson and Jack Talbot were in the "True Blue." And we walked over, and we met big Mike Houllahan down in Calle Cochran.

Q. Is he a member of the crew of the "Baltimore"?—A. Yes sir; he belongs to the ship.

Q. What time was this?—A. This was between four and half past four o'clock.

Q. How long were you in there?—A. We went into the barber shop, me and Honnors, and we got a shave and a shampoo.

Q. How long were you in there, about?—A. We were in there about 15 or 20 minutes.

Q. You had to wait before you could get a chance to get shaves? Did you have to wait there?—A. No sir; we only had to sit in the chairs. So anyhow we got a shave; and we were just this way, we didn't know where we would go, because we didn't know whether we were going to get done or not.

Q. Whether you were going to get what?—A. We thought they were going to do us in there.

Q. That they were going to attack you?—A. Yes sir. So the man said, "Do you want a shampoo"? And I said yes, and Honnors said the same; and I said, "What does it cost"? And he said, "A peso apiece", and I gave it to him. And after that Billy Hayes came in, and he says, "Downey, Riggin is shot"; and I says, "Oh, you are telling a lie", and he says, "That is the truth". We walked around, and went up as far as a fellow's place, named Johnson. I believe he kept the "Rainbow" house.

Q. About what time was that?—A. This was about a quarter to five; but we went up to Johnson's place afterwards. We didn't get pulled in this time.

Q. It was after five o'clock?—A. Yes sir; Riggin was shot then.

Q. Was it getting towards dusk?—A. Yes sir; it was getting towards dusk; and Hayes says, we had better go aboard.

Q. Did you say you went up to see Riggin?—A. No; I didn't go up to see Riggin. Hayes says to me, "Riggin is shot", and I said, "I don't believe it". He says, "It is the truth"; he made an oath. I says, "we will go and find out anyway; we will go up as far as Johnson's. He kept the Rainbow house. So we went up and we had a drink. Pfeiffer, the oiler, and Sullivan ran down the street, and they were stoning Pfeiffer."

Q. Who were stoning him?—A. The Chileans.

Q. The Chilean sailors?—A. The Chilean sailors and soldiers.

Q. How many of them?—A. A regular mob of them; 25 of them, about.

Q. They were chasing him?—A. Yes sir.

Q. They were chasing the two men?—A. Yes sir; they were chasing Sullivan and Pfeiffer.

Q. Did they both belong to the ship?—A. Yes sir; both of them belonged to the "Baltimore." Sullivan came along and he had his head bandaged up when he went around the corner.

Q. Where was Sullivan before this?—A. He had got mobbed down near the dock. This was down near the Plaza Victoria, where Sullivan was hit with the rock.

Q. How did he get down near where you were?—A. No; it was the Plaza La Turia.

Lieutenant MCCREA. Plaza Echaurren is what he means, probably.

The JUDGE ADVOCATE-GENERAL.—Q. Was it the Plaza from the "True Blue"?—A. Yes sir; right there.

Q. You didn't mean the Plaza Victoria where you were first?—A. No sir; that was the northern part of town. It was the Plaza Echaurren. He came in and Johnson says to me, "what do you want"? And I says, "Give me a gun"; and he gave me one, and it was no good.

Q. Who gave you a gun?—A. Johnson did.

Q. Was it loaded?—A. He gave it to me, and I gave him two pounds for it; and I had to fire it away. It was no good.

Q. You threw it away?—A. Yes sir, I saw it was no good, and I threw it away.

Q. What did you want it for?—A. Well, I saw Sullivan was attacked.

Q. There was no one after you then, was there?—A. No sir. I went and put my knee across the door, and I said to Johnson, "Are you going to let them in here"? He says, "You have got to go, fellows. You can't break my house up"; and he opened the door, and all of us went out.

Q. How many of you were there?—A. There was me, Honnors, Canning, Sullivan and Hayes; that is all, I think.

Q. Were they all in uniform?—A. Yes sir.

Q. Did they all belong to the ship?—A. Yes sir.

Q. What did you do then?—A. We walked right out into the street, and we walked down towards the dock. And we met Mr. Sturdy and Dr. White on the dock. We met them right on the dock; and a Chilean officer came over, and spoke in Chilean; and he said, "You had better go aboard anyway." So Honnors and myself and Morgan, the marine, went down as far as the dock, and we started to go off; and they charged bayonets on me.

Q. Who charged bayonets on you?—A. The Chilean soldiers.

Q. How many of them were with you?—A. There were four of them on the Mole; two on horseback; and two in uniform.

Q. Who used their bayonets; two of them?—A. There were four of them soldiers; two on horseback, and two on foot. The two on foot charged bayonets on me and Morgan.

Q. Did they strike you?—A. No sir, they did not.

Q. What did they say to you?—A. I don't know. Mr. Sturdy can tell you that.

Q. You don't know, because it was in Spanish?—A. Yes sir.

Q. What did you do?—A. I threw up my hands when they charged bayonets on me.

Q. They didn't wound you with the bayonets?—A. No sir.

Q. What did they do with you?—A. Mr. Sturdy squared it with them; and we went down to get a boat and go on board; and we couldn't get one. And we went up to a saloon.

Q. What did these men charge bayonets on you for?—A. Because we belonged to the "Baltimore's" crew.

Q. Did they let you go then?—A. No sir; they followed us.

Q. Why didn't you go on board ship?—A. Because we couldn't get a boat. The police would not allow us to go. There was one man that wanted to take us off in a boat, and the others would not allow him to do so.

Q. What did you do then?—A. I got arrested afterwards.

Q. For what?—A. For protection.

Q. Who arrested you?—A. The soldiers.

Q. Where?—A. Right in a saloon near the Exchange office.

Q. That is not far from the Mole?—A. No sir.

Q. Who was arrested with you?—A. Me, Honners, Swanson, Butler, and a number of others. There was a number of us. Cass and Nichols.

Q. Were you then taken to prison?—A. Yes sir.

Q. About what time was this?—A. This was about half past or a quarter after eight o'clock; I don't know which.

Q. Why did they say they arrested you?—A. For protection.

Q. Did they say they arrested you for protection?—A. Yes sir.

Q. And took you to prison to protect you against the onslaught of the people?—A. Yes sir.

Q. When did they let you out?—A. I don't know exactly. It was Saturday afternoon some time.

Q. You got out of the prison on Saturday afternoon?—A. Yes sir; Saturday afternoon some time.

Q. Was it the next morning?—A. No sir; it was in the afternoon.

Q. The next afternoon?—A. Yes sir.

Q. On the 17th of October?—A. Mr. Sears came down on the 17th, I think it was; and we were let out.

Q. Did they bring any charges against you?—A. Well, they had charges against some of them.

Q. Did they have any charge against you?—A. No sir.

Q. Then you were released and sent aboard the ship?—A. Yes sir.

Q. What time did you get aboard the ship?—A. Quarter after eight in the evening.

Q. What was your condition as to sobriety during all this time you were on shore there?—A. I was as sober as a judge. I didn't have time to get drunk.

Q. How were the other members of the crew of the "Baltimore" with whom you were?—A. Honnors and me were sober all the time. Honnors got a couple of drinks up in the place there. I think the Chileans wanted to bribe him.

Q. Was he drunk?—A. No sir, he was not drunk.

Q. Were any of them drunk; any of the men that were with you?—A. No sir, they were not.

Q. Did any of them create any disorder or disturbance?—A. No sir; not while I was with them.

Q. They were all in uniform, you say?—A. Yes sir.

Q. What arms or weapons or knives did you have, if any, with you? Did you have anything?—A. No sir, I did not.

Q. Did the others to your knowledge have any knives or weapons?—
A. No sir.

Q. Do you know whether they had any weapons or knives or anything about them?—A. No sir, they did not.

(Sgd.)

JOHN DOWNEY.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John Downey, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building at the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN BUTLER.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John Butler, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN BUTLER, having been first duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is John Butler; I am seaman apprentice, second class, on the "Baltimore".

Q. What is your age?—A. I will be 21 next June, sir.

Q. Were you on board the "Baltimore" as a member of her crew at Valparaiso, Chile, on the 16th of October last?—A. Yes sir.

Q. Did you go on shore on liberty with the other men of the vessel on that day?—A. Yes sir.

Q. Do you know of any difficulties or disturbances occurring on the shore that day at Valparaiso, between Chilean sailors and others, and members of the crew of the "Baltimore" who were on leave there?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to such disturbances or difficulties.—A. When I went ashore, I went with Hayes and Moloney.

Q. Did they belong to the "U. S. S. Baltimore"?—A. Yes sir.

Q. What time did you go ashore?—A. I went ashore about one o'clock in the afternoon.

Q. Were you on liberty?—A. Yes sir.

Q. Were the others on liberty?—A. Yes sir. When I reached shore, I went up town, and I stayed up there, until about two o'clock in the afternoon.

Q. Up where; what part of the town?—A. Up around the Plaza Victoria.

Q. Did these other men go with you?—A. Yes sir; three of us were together all day. At half past two we were at Riley's.

Q. Did you see any trouble at the Plaza Victoria?—A. No sir.

Q. At half past two you say you were where?—A. We were at Riley's.

Q. Where is that?—A. I don't know the name of the street.

Q. Is it up at this Plaza Victoria?—A. No sir; it is down town.

Q. Down in the other end of town?—A. Yes sir. We had a few drinks in there. There was a lot of fellows in there; they were drinking with us. They said we had better go to a hotel; that they were going to kill us if they caught us in the street.

Q. Who told you that?—A. Some of the men in there.

Q. Were they Chileans?—A. No sir; they were sailors; they told us this was a gang, that there was a gang out there ready to catch every one of us.

Q. Who were this gang?—A. They were, citizens, soldiers and sailors.

Q. Chilean citizens, soldiers and sailors?—A. Yes sir. I went down there next door to the "Shakespeare".

Q. Did these other men go with you?—A. Yes sir. There were a lot of blue jackets in there, and we had a few drinks in there. And Davidson came in, and hollered out that there was a man getting killed.

Q. What time was this?—A. This was about half past three o'clock.

Q. About half past three?—A. Yes sir; he said, "You had better hurry up now, and try to get the man down here." And we went out, and Hamilton was knocked down in the street. He was lying on the sidewalk, and there was a whole gang around him. We put him on his feet, and he could not stand.

Q. Who was Hamilton?—A. He is the carpenter's mate.

Q. Who was the party?—A. There was one sailor there that I saw that had one arm.

Q. A Chilean sailor?—A. Yes sir.

Q. Who were the others?—A. They were all citizens.

Q. What were they doing?—A. They were firing stones at him.

Q. Firing stones at him when he was down?—A. Yes sir; they were firing stones at his head; and they fired a lot that didn't happen to hit him. And there was one man over him with a knife.

Q. Going to stab him?—A. Yes sir; and Davidson knocked him down.

Q. What did you do then?—A. We put him on his feet, and he couldn't stand; and the gang got too much for us, and we started to run.

Q. What do you mean?—A. They started to throw stones; and we ran, and they ran after us.

Q. What did they say?—A. They were talking in Spanish; I couldn't tell what they were saying.

Q. You know what "American" is in Spanish?—A. Yes sir; Americano.

Q. What did they say?—A. "Americanos, son of a bitch."

Q. They were crying that at you when they were chasing you?—A. Yes sir.

Q. Were you running from them?—A. Yes sir, we were running from them, and they were firing knives and stones at us. Every one we met

in the street tried to stop us with clubs; and they knocked us down a few times before we got to the Mole.

Q. What time did you get to the Mole?—A. It was after four o'clock.

Q. Was it about dark?—A. It was just beginning to get dark.

Q. You are not sure about the time?—A. I am not sure about the time; but that was very near the time.

Q. It was about dusk when you got to the Mole?—A. Yes sir.

Q. How long was it after these people commenced chasing you, after you left Hamilton, before you got to the Mole? How long did it take you to get down there?—A. It took us about an hour.

Q. It took you about an hour to get down there?—A. Yes sir; we didn't know the way down. We would run every way we saw it was clear.

Q. They were chasing you all the time?—A. Yes sir.

Q. Did you see any other disturbance than that one?—A. When we got to the Mole there was another fellow joined with us, Hodge.

Q. You left Hamilton?—A. Yes sir; he was lying in the street. And there were three of us together when we got on the Mole, and they separated us. There was one of us on each side. I was in the middle of them; and they tried to push me overboard.

Q. Who did?—A. The mob. They were on top, and they were throwing stones at us.

Q. They were on top of what?—A. I was down on the bottom steps, and they were on top. I offered a pound and a half to a man to take me off, and he wouldn't do it. He hit me with the oar.

Q. This mob followed you and chased you, and tried to throw you overboard?—A. Yes sir.

Q. Were there any police down there?—A. Yes sir, they were looking on.

Q. Didn't they try to stop it at all?—A. No sir.

Q. You are sure of that?—A. Yes sir; we passed them on the street, all the way down.

Q. Did they attempt to stop the mob from following you?—A. No sir.

Q. You are positive of that?—A. Yes sir.

Q. And when you were on the Mole there, were there any police there?—A. There were two at the head of the dock. They went up the street.

Q. Did they see the men attack you on the Mole?—A. Yes sir.

Q. What did they do?—A. They didn't do anything; they walked away; they walked the other way.

Q. Didn't they attempt to stop this assault?—A. No sir.

Q. You offered a man a pound and a half to take you off to the ship?—A. Yes sir.

Q. Was he a Chilean boatman?—A. Yes sir.

Q. What did he say?—A. He picked up an oar and tried to hit me with it, and I ran back.

Q. You ran back on the Mole?—A. Yes sir, I ran back on the Mole, and I got knocked down.

Q. By whom did you get knocked down?—A. By the mob.

Q. About how many of the mob were there?—A. The whole dock was full, all the way up to the Square. You couldn't see anything but one mass of people.

Q. What became of the other two men who were with you?—A. Two of us got arrested; and the other fellow was there near. I told the policemen who took me away, to take him too; and they wouldn't do it.

Q. You were knocked senseless on the Mole, and the policemen arrested you?—A. Yes sir.

Q. When you recovered consciousness, where were you?—A. I was on the Mole when they picked me up, and they had me about five yards from where I dropped. I had come to, and I was passing right by where Davidson was.

Q. Where did they take you?—A. They took me to the station-house.

Q. Did they take the other men to the station house?—A. They took one, and they left the other there, Hodge.

Q. Did they tell you why they arrested you?—A. No sir.

Q. Did they make any charge against you?—A. No sir.

Q. How long did they keep you there?—A. They kept me there from that night until the next night.

Q. Then you were released and sent aboard ship?—A. Yes sir.

Q. Was the other man released with you at the same time?—A. Yes sir.

Q. And you went aboard ship together?—A. Yes sir.

Q. Were you seriously hurt in this difficulty?—A. I got two cuts on the head.

Q. Two cuts on the head?—A. And my arm is sore; there is a lump on my muscle here; and my leg was all skinned where I got hit in the shins with rocks, and my side.

Q. On that day, what was your condition as to sobriety, and the condition of the other two men with you?—A. We were sober, sir.

Q. All of you?—A. Yes sir. We were only on shore about an hour; and then we were playing billiards.

Q. You were only on shore about an hour; what do you mean?—A. We were only on shore about an hour before we got down there.

Q. Before you got down where?—A. Down to the other end of the city. We were playing billiards most of the time.

Q. You say that this crowd followed you down to the Mole, and were throwing stones at you; chasing you to the Mole?—A. Yes sir.

Q. Did they have any arms of any kind with them?—A. Yes sir, they had knives.

Q. Did they have them drawn?—A. Yes sir; there was a boy ran out, and Davidson was ahead of me, and I was behind him; and this boy drew a knife, and he was going upon Davidson, and when I got up to him, I kicked him and knocked him down.

Q. Did you see any others with knives?—A. Yes sir; there were knives thrown at us.

Q. They didn't hit you?—A. No sir; they passed by us; two of them that I know of.

Q. While you were running?—A. Yes sir; I saw two of them drop right in front of me.

Q. Did you have any warning prior to your going on shore on liberty from anybody, that if the men of the "Baltimore" went ashore there, there would likely be trouble?—A. That was the only one.

Q. Which one?—A. The one which I told you about. There were three men in there that drank with us, and they told us.

Q. That was after you got ashore?—A. Yes sir.

Q. But you had no warning prior to that, before you got ashore?—A. No sir.

Q. Did you have any difficulty with the police that day, on that occasion?—A. No sir; I got hit by the police after I was arrested.

Q. With what?—A. With a club about that long. (Showing.)

Q. One policeman had you?—A. There were two policemen in citizen's clothes that had clubs. Then there was about 25 around me altogether; and they had to charge on the crowd to make them get out of the way, to get us to the station house.

Q. Why did they hit you with a club?—A. I don't know, sir.

Q. Did you resist them?—A. No sir.

Q. Did you attempt to escape from them?—A. No sir; I was glad to be arrested.

Q. Why were you glad to be arrested?—A. I would have been killed, if I hadn't been arrested.

Q. You were glad to be arrested, for the protection you got?—A. Yes sir.

Q. And the policemen hit you with clubs taking you to the Jail?—A. Yes sir.

Q. Had you said anything to them at all?—A. No sir.

Q. And you offered no resistance?—A. No sir; there are two jails. They locked me up in the jail that is next to the Mole first. And they had me in there, and the man that was in there said, "Let them go". There were two of them.

Q. They didn't let you go?—A. No sir; he took us outside, and he was going to let us go, and he said, "Cinco peso"; he wanted five dollars.

Q. Who was he?—A. I don't know.

Q. Was he an officer of the Jail?—A. Yes sir; he was the clerk.

Q. What did you tell him?—A. I told him no.

Q. You told him no, what?—A. I told him I wouldn't give it to him. The crowd was all outside of the Jail, and he took me back again, and he told the Judge there that I called him a son of a bitch.

Q. Who did?—A. This man did.

Q. Did you say anything to him?—A. No sir, I didn't say anything to him.

Q. Is that all you know about the matter?—A. When I got in Jail I had to pay two dollars for a drink of water.

Q. Who did you pay it to?—A. I paid it to the sentry.

Q. Did you at any time there at Valparaiso, to any person or official, express your approval of the action of the police on that day?—A. No sir.

(Sgd.)

JOHN BUTLER.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John Butler, the witness who subscribed to the foregoing deposition, was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF THOMAS H. WILLIAMS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, and on the 8th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Thomas H. Williams, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

THOMAS H. WILLIAMS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. Thomas H. Williams; seaman apprentice, first class; on the U. S. S. "Baltimore".

Q. What is your age?—A. 21 years, the 17th of next April.

Q. Were you attached to the U. S. S. "Baltimore" as a member of her crew at Valparaiso, last October?—A. Yes sir.

Q. Did you go on shore on liberty at Valparaiso, with other members of the crew of the "Baltimore" on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulties or disturbances which occurred there at Valparaiso, between Chilean sailors and others, and the members of the crew of the "Baltimore" who were on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to such disturbances or difficulties?—A. Well, I went on shore, a little after one o'clock, I think it was.

Q. On that day, on liberty?—A. Yes sir; on liberty. I went on shore with Wallace and J. Anderson and Willis. We all went together. We went up and got our money changed, and then we took a carriage and drove around and saw the city. We drove around for about an hour anyhow; and then we got out, and we walked around different places, until about half past three or four o'clock. Then we came down to the "Shakespeare" saloon. It was open, but the boss said he was not going to keep open very long, because there was going to be trouble around there, and so we would have to find some place else to stop at.

Q. He said there was going to be trouble about what?—A. He said there would be trouble with our sailors and the people ashore. He said that from what he could understand them talking, there would be trouble as soon as it got dark.

Q. Trouble by who?—A. By the Chilean sailors.

Q. What were they going to do?—A. That is what we had to find out. He said it would not be safe for him to keep his place open, because they would come there and break everything he had in there. He told us he was going to close up, that he could not keep us in there, because later, as soon as it got dark, he expected there would be trouble between the Chilean sailors and our men, because they had been laying for us to come ashore.

Q. Who had been laying for you to come ashore?—A. The Chilean sailors had. After we came out of there we went up to a place called the "True Blue."

Q. That is another saloon?—A. Yes sir; that is another saloon right around from the "Shakespeare". After we got in there, a few minutes afterwards, I couldn't tell exactly how long, Riggins and Talbot and

Davidson came in; and asked us how we were making out, and we told them all right; and they said the best thing we could do was to all get in one place and stay together. The man who kept the "True Blue" said we could stop there if we wanted to; and he said if there was anything he could do for us, he would do it. Because we would be better in there than running out on the street, because once they got onto us, the whole town would be in an uproar. He said, "if you stay in one place, may be you can keep the mob from getting the best of you." Riggins and Talbot went out, and Davidson. Riggins was singing and dancing there, and having a good time together with the others. And they went out to look for Honnors and Downey. They said they would be back in a few minutes. We met Honnors and Downey before that and asked them where they were going, and they said they were going to a barber shop to get shaved. We told Riggins what they said. We didn't know exactly where he could find them. In about fifteen or twenty minutes Jerry went out, him and Wallace. A little while after that, the man who had been with us, out of the merchant service, he came running in there, and he said, "Your comrade is down below fighting." He said, "There is a mob of them killing them down there."

Q. Who did he refer to; did he refer to Jerry?—A. No; he said my comrades were getting killed down there; getting hurt down there. A man in this place told me I had better not go down, and I said, "Yes, I will go out, and get the men back if I can." And he gave me his hat, and he shoved my collar in, and the lanyards.

Q. That was done to disguise you?—A. Yes sir. I had on my seaman's uniform, and they could pick me out right away. So I put on his hat and turned in the lanyards and neckerchief. And there was a crowd of people going down the same way.

Q. What people were they?—A. Citizens and everything.

Q. Sailors?—A. I couldn't make out any sailors. I couldn't tell exactly what they were; I didn't take much notice what they were. There was a big mob all going the same way. I got on the corner of a little square there, and I saw a crowd rushing across the street. The street car ran there. When I got on the corner I saw somebody; I couldn't make out who it was. A little before I got to the corner, a policeman grabbed me. I couldn't understand what he was saying; and I shoved him away, and I ran down there; and I could not find any of our fellows. So I made back, and got in this place, and was kept in there.

Q. In which place?—A. In the "True Blue".

Q. You didn't see who that was that they had there?—A. I couldn't make out. I know it was one of our sailors, but I couldn't make out who it was. There was a great many people there, and I couldn't make out who it was. I know they had him on the go, whoever it was.

Q. What was the crowd doing?—A. They were all running and throwing stones, and hollering, "Kill the Yankees," or something like that. I couldn't tell you now what it was, but it was "Yankees."

Q. They were crying out?—A. They were crying out. Everybody was hollering.

Q. Did they have any arms with them; knives or anything of that kind?—A. I didn't take any notice.

Q. What about the policemen?—A. The policemen were blowing whistles at the time; but all of them seemed to be going the same way, making for the same place.

Q. Then what?—A. I got back to the "True Blue" and stopped there all night. The man that kept the place took me into a room; and a

little while after I got back, I don't know whether it was sailors or officers, or what it was, but somebody came there and wanted to know if there were any Yankees in the place.

Q. When was that?—A. After I came back from where the crowd was running.

Q. That was the night of the 16th?—A. Yes sir.

Q. The first night you were ashore?—A. Yes sir; I was not ashore but one night.

Q. What time was that about?—A. I couldn't tell the time. It was not sundown yet; it was early in the evening, about half past four or five. It might have been later. It might have been later, or it might have been earlier; I couldn't tell.

Q. Then you went back to the "True Blue"?—A. When I went back to the "True Blue" I was taken in there and put in a room. My room faced the street.

Q. Who was there besides you?—A. There was nobody there then that I know of, but myself.

Q. Nobody from the "Baltimore"?—A. No sir; nobody from our ship.

Q. Then what happened?—A. After I went in the room, there was somebody came outside; I don't know whether they were officers or sailors, or who they were. But they wanted to know if there were any Yankees in there. The proprietor of the place did not want to let them in, but they insisted, and he opened the door to the saloon, and they came in. But they didn't come in where I was. After that they went out.

Q. Did you see them?—A. No sir; I was in the room. I could not see them. I was in the room.

Q. Do you mean that these were Chilean officers?—A. No. I said I didn't know whether they were Chilean officers or not. I know they were Chileans who came there and asked if there were any Yankees in there. They were hollering for Yankees.

Q. That was all you saw, was it?—A. Yes sir; that is all I saw.

Q. What time did you go back to the ship?—A. I went back to the ship about twelve o'clock the next day.

Q. Did you see any disturbance when you went back there, on your way back?—A. No sir; there wasn't any disturbance on the way back at all.

Q. You remained in the place all the forenoon?—A. Yes sir; up to the time my liberty was up.

Q. Why did you remain there?—A. Well, the man of the place told me it was best to stop right in there, until he found out how things were. He went out and looked around, and said everything was in an uproar.

Q. What was the condition of yourself as to sobriety, and the condition of those other men with you on that occasion?—A. Well, I was sober, and all the men with me were sober, as far as I know.

Q. Were you and those with you in uniform?—A. I was in uniform up to the time I changed to go down from the saloon.

Q. You changed by turning down your collar, and removing your cap?—A. Yes sir.

Q. Were all the others in uniform?—A. Yes sir.

Q. Had you or any of your companions, any weapons or knives, or arms of any kind?—A. No sir; I didn't have any at all.

Q. Had the others?—A. I couldn't tell you. I didn't see them have any.

Q. They didn't have any to your knowledge?—A. Not to my knowledge, they did not.

(Sgd.)

THOMAS H. WILLIAMS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Thomas H. Williams, the witness who subscribed to the foregoing deposition was by me duly sworn; that said deposition was taken on the 8th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 9th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JAMES GILLAN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared James Gillan, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JAMES GILLAN, having been duly sworn, testified as follows:

THE JUDGE-ADVOCATE GENERAL.—Q. State your name, rating, and station.—A. My name is James Gillan; second class fireman, on the ship, "U. S. S. Baltimore."

Q. Were you attached to the Baltimore, when she was in Valparaiso, in October last?—A. Yes sir, I was.

Q. Did you go on liberty from that vessel with other members of the crew in Valparaiso, on the 16th day of October last?—A. Yes sir, I did.

Q. What is your age?—A. 33 years of age.

Q. Do you know of any disturbance or difficulty which occurred on shore at Valparaiso that day, between Chilean sailors or others, and members of the crew of the "Baltimore" who were on leave there?—A. I did not hear anything about it until very near six o'clock. Then one of our ex-members of the crew by the name of Rodgers brought us in to have a drink. While in there, one of the crew of the "Baltimore" came to the door, and told us that our men were getting licked or mobbed down at the Mole, and to hurry down there. We started out to go down.

Q. Where were you at this time?—A. I don't exactly know the name of the street; the street where the money exchange is on, near the Intendencia.

Q. At about what time was that?—A. That was about six o'clock, or very close to it. I cannot say exactly, for I did not notice. Then we went out.

Q. Who was with you?—A. A. J. Stuart.

Q. Does he belong to the "Baltimore"?—A. Yes, sir. Sullivan, I

believe, and another man, was in there at the time. The three of us went together.

Q. Who is Sullivan?—A. One of the firemen on board the "Baltimore". We went out, and on going down, we got intercepted by this crowd.

Q. Going down where?—A. Towards the Mole. I seen one of the crew of the name of Bechtle, and while going to assist him to get away from the crowd, I was attacked myself, and we had to hit in the best way we could to get away from there. We had to use our hands and feet in the best way we could and started to go and work our way back from the crowd. We could hold our own until they closed in upon us and threw stones, and surrounded us. Then we had to break away. Carson, Stewart and I, three members of the "Baltimore," retreated from there. We got around the corner. I was the last, and I could not get up to the other two, and I see a door that led through the saloon right on to the other street, and I went through that door. There was a dozen or more standing around—scattered men—between me and the other two. From there Stewart and I met on the opposite corner. We got on a car and rode back right through them and went up to the other end of the city where we came from.

Q. Which end?—A. The southern end, towards and beyond the Plaza Victoria. My hat got knocked off, and that is the reason I went that way, to get a hat.

Q. This crowd that you referred to was, as I understand you, near the Mole?—A. Yes sir, about one block from the Mole. There is a square there with a monument in it; between that monument and the Mole.

Q. About how large was this crowd that you refer to?—A. I could not exactly say. They were too numerous to count. Another thing, I had not time to count them.

Q. I asked you about how large a crowd was it. What did you estimate the crowd was?—A. Between three hundred and five hundred men, at least.

Q. What men were they?—A. Some Chilean sailors, soldiers and citizens.

Q. When you went in the direction of the crowd, did you make any assault yourself upon the crowd when you went down there towards it?—A. No; I was going about my business, and they were hitting at me with sticks, and trying to punch me and trip me up.

Q. The crowd was?—A. Yes sir; where I was passing the crowd to get where this young man from the "Baltimore" was.

Q. The man who was being attacked?—A. Yes sir.

Q. What was his name?—A. Bechtle.

Q. What did the crowd do?—A. They were hitting at him when I went there. I said, "Get back, Jack"—his name is John Bechtle, but apparently he did not understand me. This man was going towards him to strike at him, and I struck this man.

Q. What man?—A. One of those Chilenos. From there we got separated.

Q. Were you struck at all?—A. Yes sir.

Q. What were you struck with?—A. I was struck one time with a stick, and another time with a stone, and the second time I got struck with a stick I was struck across the wrist, and the last time I got struck was with a knife. He struck at me, but I hit at him and knocked him down before the knife cut me. It only cut my shirt.

Q. Did you notice any other arms in this crowd than this one knife?—
A. I saw two knives, but one was quite a distance from me. The other, I seen a policeman with a cutlass.

Q. What was he doing?—A. He was an officer of some kind. He was trying to get in towards me, but he could not. There was too much of a crowd between him and I.

Q. Was he going to your relief?—A. I could not tell.

Q. Did you have any warning prior to or on that day that there might be trouble on shore between the Chilean sailors and the crew of the "Baltimore"?—A. No sir.

Q. Were you in uniform at this time that you were assaulted?—A. Yes sir; I was in full uniform.

Q. What was your condition as to sobriety at the time?—A. Perfectly sober.

Q. What was the condition, as to sobriety, of the other men of the "Baltimore" who were with you at that time?—A. Stewart and I were together all the time, and both of us were perfectly sober. We had not taken three drinks all the evening.

Q. What was the condition of the other two, Sullivan and Bechtle, as to sobriety?—A. Bechtle was in the crowd; he was not with us at the time. Sullivan was sober.

Q. You mean that you could not tell what the condition of Bechtle was, because of his being surrounded by the crowd?—A. Yes; he was standing there fighting off the crowd as best he possibly could. He was perfectly sober in my opinion.

Q. When did you return to the "Baltimore"?—A. About twelve o'clock the next day.

Q. Did you see any other difficulty or disturbance than the one you mention?—A. No sir, I did not.

Q. Did you at any time at Valparaiso; to any person there, express your approval of the action of the police on that day?—A. No, I did not.

(Sgd.)

JAMES GILLEN.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that James Gillan, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the office building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF A. J. STEWART.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared A. J. Stewart, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

A. J. STEWART, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is Alexander J. Stewart, first class fireman on board the "U. S. Baltimore."

Q. What is your age?—A. 40.

Q. Were you attached to the "Baltimore" when she was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew on the 16th of October at Valparaiso?—A. I did, sir.

Q. Do you know of any difficulties or disturbances which occurred on shore that day, between any Chilean sailors or others, and the crew of the "Baltimore" who were on liberty there?—A. I know of none whatever, except what I see on the dock.

Q. State all the facts and circumstances within your knowledge which relate to such disturbance or difficulty?—A. When we were going ashore, the first knowledge or expectation that I had of any disturbance was, as I was passing the Chilean fleet. As we were passing the "Esmeralda" they were shaking their fists and knives at us through the ports.

Q. Who?—A. The sailors on board. They were shaking their fists and knives out of the stern ports. I said to some of the others, "that looks like trouble; there will be trouble as sure as we are born." James Gillan was in my company from the time we left until we went on board.

Q. You only mentioned the "Esmeralda." Did you pass any other vessel?—A. Yes sir; we passed the "Huascar."

Q. What time did you go ashore?—A. By 1.30, I should judge.

Q. Now proceed with your statement.—A. James Gillan and I were in company from the time we went on shore, until we went on board.

Q. Who is James Gillan?—A. Second class fireman on board the "Baltimore." We stopped on the corner just about the Exchange, but there was too much of a crowd. I said to Gillan, "James, we will take a march up-town, and by that time the crowd will disappear, and we will go to the Exchange. I have got some change still". We went to a place which a German keeps. I don't know his name. We generally go there and sit and drink beer. While there, boatswain's mate Riggin came in—no, I am wrong. We went out and had a walk to look for a place to sleep that night. Then we came back there. Coming back we met Riggin, John Talbot, apprentice boy, Richard Williamson, and Coalheaver Downey, and Davidson. I said, "Come in, fellows, and have a drink". We went back to this German's, and they all called for drinks. Riggin said to me, "That is all I am drinking".

Q. What do you mean by "that is all I am drinking"?—A. He called for a lemonade. I said, "Riggin, I am glad you are; stick to it". In the meantime some of us told about their being cautioned in the City. Who

it was I disremember. I said, "It has not surprised me a particle if they start at you fellows, but they will not start until tonight, so the best thing is to keep level-headed." I expected trouble myself. I see that coming ashore.

Q. Go on and state what you did?—A. We had our drinks. We had a couple of drinks. I went to the southern part of the city, and met a shipmate of ours named George Rogers, who was paid off from the ship "Baltimore."

Q. What time was this?—A. About half past five, I should judge. We went down to a friend of his called Rogers, and went to his saloon and had a drink. While in there drinking, there was a man named Canning, William Sullivan, and Coalheaver Christie—

Q. Who were these men that you are talking about. Did they belong to the "Baltimore"?—A. Yes sir; the men that I speak of belonged to the "Baltimore." While we were there drinking, Oiler Carson came up, and hollered in the door and said, "Fellows, they are killing our men down on the dock; there is a row down there."

Q. Where were you at this time?—A. In Rogers' saloon.

Q. Where is that?—A. On Calle Blanco in the southern district, a little ways below the Exchange. We all went out. I was the last to leave the barroom. I said, "if they are killing our shipmates down there, it is no place here for us," and down we went to help our mates. We went out empty-handed, every one except me. There was a bottle of lemonade on the counter, one of those egg-shaped bottles, and I took that, as that was the only thing I saw. I took that for defense. I got down in front of the Pratt Monument opposite the Mole and I saw a crowd. I saw several of our men. Who they were, through the excitement, I could not tell you now, but I seen the uniform. I could see them fighting each way. As I passed down in the crowd, I went by James Gillan and John Carson, and I said, "Fellows, don't you let them Chileans get behind you; keep them in front; as long as they are in front of you, you are all right; you are going to get cut in the back if they are behind you. I held the crowd back with the bottle. I saw one man after James Gillan with a knife, and I turned around and knocked him down with the bottle. I did not see him get up.

Q. Who was the man?—A. He was a Chilean.

Q. A soldier or sailor?—A. No, a citizen. I went past James Gillan, and another man came after me with a knife.

Q. What man?—A. A citizen; one of the mob.

Q. Now tell us about that?—A. One of the mob came after me with a knife, and just as he came after with the knife, I knocked him down with the bottle. I turned around and looked to my left and seen James Gillan lying face down on the ground. Who it was at the time I could not tell. My heart went into my mouth. I was afraid. I thought to myself, "there is one of our men downed." I beat a retreat from where I was, up to where Gillan was—a little space. I got up there, and the Chilean man-of-warsman was coming out. He had a knife in his hand. He was pulling it out of his pants waistband. I knew what his intention was, and I knocked him down with the bottle.

Q. Was he near Gillan?—A. Yes; I should judge about four feet from Gillan.

Q. Was he going towards Gillan?—A. Yes sir; and pulling his knife out at the same time. I saw instantly what his intention was. It was to kill him. Gillan's face was down. A Chilean will never stab you in any other way. I knocked him down with the bottle. Stepping back, I stepped on Gillan, and he said, "Look out for my legs". I

knew then that he was alive, and I said "Hold your footing, and keep them in front of you." At this time the paving stones came so hard that I had to beat a retreat.

Q. Where did they come from?—A. From the mob. I beat a retreat to the right. I got about eight paces away, when they let up a little. One man had a big paving stone, a Chilean citizen, and he was raising it over me. I made a feint at him with my bottle, but did not hit him. He dropped the stone and ran in the crowd. Presently two more came out after me. One was a man of war's man, a Chilean, and the other a citizen. They came after me with a knife. Each one of them had a knife. I did not know which one to attack first. I looked at the one to my right, and the other on my left, to see which was going to make the first attack on me. He was the one that I wanted. Presently I heard a voice which I recognized as John Carson's, oiler on board the "Baltimore". He hollered out, "Look out, Alex." I looked over my shoulder, and there was a Chilean after me with a knife. I seen Carson following him up. I said, "I am satisfied, you attend to him." John Carson knocked him down at my feet. I hit one of those two that came after me with a knife, the man-of-war'sman. The citizen made his escape through the crowd at the back. I turned around. They stoned Carson away from me with paving stones.

Q. How large were they?—A. Large round, paving stones. They hit Carson away from me altogether. One man was on his knee, and he had a knife raised.

Q. What man?—A. This citizen that I speak of, that Carson had knocked down, who was going to knife me. He had a knife raised. He grabbed me by the right leg, and I broke away from this Chilean, and I took the bottle and knocked him over the side of the head, and he fell down. Then those paving stones came so heavy from the mob, that we had to beat a retreat.

Q. Who was with you?—A. Three of us. James Gillan, John Carson and I. We beat a retreat up against the railing of the monument. Then some one hollered out—I don't know who it was—"Viva el Americano". Then I see the mob break away, and make an opening. I could not see Carson or Gillan, but it seems they had got in front of the crowd. I could not see them through the excitement. I said to myself, "It is time for you to go; you are the only one left; the best thing you can do, is to beat your retreat", and I beat my way through the crowd, until I got to the southern corner from the monument. There I made my escape. I ran down Calle Blanco, down towards Rodgers' saloon. At the time I did not exactly know where I was going to turn in. My thought was to get away from the mob. I came down to an eating house—I disremember the name now.

Q. In which direction were you going then?—A. To the southward. I passed in through this eating house, and two waiters, as I supposed they were, grabbed me. The mob was right behind me, following me.

Q. You had been running?—A. Yes sir. They shut the doors. The stones came through the windows and door, and they undertook to force me out in the street again. Two of those men who I supposed were waiters got hold of me in the saloon, and tried to push me out. I put my foot against the door and held it, and the two waiters undertook to drag me away from the door. I said to myself, "There is no time to bother here; there is only one way to deal with you, and that is to knock you down." I turned and hit one with my fist, and the other with the bottle, and they both went in a different direction, and I went right straight through the eating house. I fetched out into Calle

Cochran. I think that is the next street. Then I turned to my left, and met oiler Sullivan.

Q. Did you see any more disturbance?—A. No sir, I was out of the mob at that time.

Q. Where did you go then?—A. I took a street car. I met Gillan again. Gillan had made his escape from a barroom. It was my intention to meet Gillan again.

Q. Was this mob pursuing you?—A. Yes.

Q. What were they doing?—A. This mob was pursuing me, but they were some distance from me. I had outrun them. You could see them coming up the street with stones and knives in their hands. Gillan came out from the barroom behind me. He cut through from Calle Blanca to Calle Cochran. He said, "Alex, what is the best thing to do?" I said, "James, I tell you, there is too much mob for us; it is too strong; it is a thousand to one against us; our only salvation is to get on the street car, and get out of here; here is one coming." We both jumped on one and went up to this German's. Gillan had lost his hat. We got him a hat there. I got a hat and coat and came back. At that time everything was quiet, but they would not allow us in any place.

Q. What time was that?—A. That was after six o'clock. I should judge it was seven o'clock when we got back. I asked several to let us in, and they told us no, that they were shut up by the police, and ordered by the Intendente, not to open the doors to any of us. Then we got back to the eastern part of the city. It was about 25 minutes past 10 when I got there. James Gillan and I went up, and we got a place for the night and turned in.

Q. You did not see any more trouble that day?—A. I did not see any more trouble that day.

Q. When and how did you get back to the "Baltimore"?—A. We returned, I think it was, at 12 o'clock the next day, the 17th.

Q. Did you return to the ship, in the ship's boat?—A. No sir; in a shore boat.

Q. You have described all the difficulties and disturbances that you witnessed that day?—A. Yes sir.

Q. Were you and the other members of the crew of the "Baltimore", whom you have referred to, in uniform at the time?—A. Yes sir.

Q. What was the condition of you and the other men of the "Baltimore" as to sobriety? Were you drunk or sober?—A. We were sober. I did not see a man in my company, or any man I met that day, I will take a solemn oath, drinking any liquor.

Q. I thought you said you had been taking drinks?—A. We drank beer, but I seen no liquor drank.

Q. You refer to members of the crew of the "Baltimore"?—A. Yes sir.

Q. You say any man you met that day. Do you mean only the members of the crew of the "Baltimore"?—A. Yes sir. I will take an oath that I saw no one take any hard liquor that day.

Q. Did you have any arms or knife, or weapon of any kind about you?—A. I had nothing except a bottle.

Q. Did the other members of the crew of the "Baltimore" with whom you were on that day, to your knowledge, have any weapons or knives of any kind?—A. None that I know of.

Q. That is to your knowledge?—A. Not to my knowledge.

Q. Did you at any time, at Valparaiso, to any person, or official, express your approval of the action of the police on that day?—A. No sir, I did not.

Q. Did you see many police down about the square where this disturbance took place, in which you were engaged?—A. No; I did not.

Q. When you and the rest of this party approached this mob near the monument there, and near the mole at the time referred to, did you commence active operations against them, or did they commence against you?—A. They commenced at us. I had hardly got outside of this barroom door, before a paving stone was fired at me.

Q. Had you offered any offensive remark, or taken any action against any one before this?—A. No sir, I had not spoken to any one outside of our own ship's company.

(Sgd.)

A. J. STEWART.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that A. J. Stewart, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN CARSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John Carson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN CARSON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is John Carson, and I am an oiler on board the "U. S. S. Baltimore."

Q. Were you attached to the "Baltimore" when she was in Valparaiso in October last?—A. Yes sir.

Q. What is your age?—A. 39.

Q. Did you go on liberty with other members of the crew of the "Baltimore" in Valparaiso, on the 16th day of October last?—A. Yes, sir.

Q. Do you know of any difficulty or disturbance which occurred on shore that day at Valparaiso, between any Chilean sailors or others,

and members of the crew of the "Baltimore" who were on liberty?—
A. Yes, sir.

Q. State all the facts and circumstances within your knowledge relating to any such disturbance or difficulty on that occasion?—A. We arrived on shore in Valparaiso, and me and McBride got together. That was about one o'clock or a little after.

Q. Who is McBride?—A. An oiler on board the "Baltimore." We walked up as far as the Exchange office, and he said "I am going to change some money". I said "Very well; I will go down as far as Tom Reilly's, and get some papers, and meet you here". I went down there, and Reilly was not in. Mrs. Reilly told me he was up at the Theater Victoria interpreting for some Opera troupe that was there. With that I came back and met McBride, and the carpenter together.

Q. Who was the carpenter?—A. Hamilton of the "Baltimore". They were standing outside of a door at Mr. White's place. I said "I feel sort of dry; let us get a drink."

Q. Mr. White kept a saloon?—A. Yes, sir. As soon as we got in there he said "I advise you boys to get in before dark." McBride got a cigar and Hamilton got a cigar. I was going to drink some water, and Hamilton said "You had better pay for a drink." I said "All right, give me a bottle of soda water or lemonade, one or the other." With that we left there.

Q. Did any of the rest take anything to drink?—A. No sir, they took a cigar. With that we left and went to the Plaza Victoria. On our way there we called into a cigar store and we got cigars. We went around to the theater, and found that there was going to be no play that night, and that Reilly was not there. We walked all round the place, I suppose for about half an hour and met our captain, and Mr. Sebree our first lieutenant, on the corner. We stood by and saluted. About 10 minutes after one, me and Hamilton went down as far as Reilly's. We took the next car coming down. We left McBride on the corner of the square. There were a lot of our men in Reilly's. Reilly said as soon as he seen me "I advise you to get in before dark somewhere, in fact I advise all you boys to."

Q. Who was he referring to?—A. To me and our crew. He says "They are going to go for you to-night after dark."

Q. Who did he refer to?—A. The "Baltimore's" crew—our crew.

Q. Who did he mean was going for you?—A. The Chicanos. He said "Take my advice and get in before dark."

Q. Did he say how he knew it?—A. Yes sir. He said it was already reported that they were going to attack us as soon as it was dark, or as soon as they got us split up; they were playing Spanish poles.

Q. What place does Reilly keep?—A. He keeps a saloon. It is better known as the Horseshoe.

Q. What street is it on?—A. It is on Cochran street.

Q. Now go on with your statement?—A. I left him playing a game of Spanish pole along with a fireman of the name of Gallagher.

Q. Left who?—A. Hamilton, the carpenter of the "Baltimore". I went to the water front on my way back to meet my shipmate, as I explained, McBride, and when I was about 10 or 15 yards from the Mole, a gentleman came along and said "Some of your men are getting killed on the Mole." I hastened my steps, and I see a big crowd. Before this I passed some of my shipmates standing outside some store, and I run back and told them, that some of our boys were in trouble. The man whom I told is named Sullivan. I started off with him. He said "Jack, go back. There are a lot of them inside, and drive them out."

Q. Who was inside?—A. A lot of our men—the “Baltimore’s” men. I went back, and I called them all out. They all came out, one after the other.

Q. About how many were there?—A. About seven to the best of my knowledge. I called them out. The last one was Stewart. He had something in his hand, but I don’t know what it was. He came running out, and with that we started down to the monument. I could see everyone engaged the same as in a skirmish line. All our men were striking right and left, for all they were worth. Before we could get close enough we were attacked.

Q. Who were they fighting with?—A. With the Chileans.

Q. Were they attacking the Chileans?—A. No sir; this mob was attacking the “Baltimore’s” men on both sides.

Q. And the men were defending themselves?—A. Yes sir. We stood there to the front, and we seemed to be getting the best of it, until they started with the stones.

Q. Who started with the stones?—A. The Chileans. They commenced firing paving-stones. They kept crashing over my head, and it took me all the time to dodge them. I hollered to Stewart, who was 8 or 10 feet away “keep up to the rails, we are getting corralled here.” With that we got to the rails, so that they could not get to the back of us in front of the monument. Then they commenced to corral us all round, and we commenced to break away, retreating back. A man with a knife in his hand got right before me.

Q. Who was he?—A. A Chilano. He drew the knife, and I made for him with nothing but my open hand. As soon as he saw me making for him he shied, and gave way to me. With that he made for Stewart. As soon as he lifted his hand, and was in the act of striking Stewart in the back, I let go my right hand and caught him in the side of the head and threw him across Stewart’s feet. I could not stoop down to pick up the knife, because the stones were coming so quick, and I was afraid of getting hit on my head. I broke my way through the crowd. Some of us were retreating together at the same time, until we got to the corner of the southern end of the monument, and there I lost all my shipmates. One went one way and one went another. I retreated up towards the Intendente’s office, and jumped on a car. The crowd was then about 10 or 15 yards behind me, following me. With that the car stopped. I seen that he was not going to go on, so I jumped out of the car and made up towards Esmeralda street, what they call the Calle Prat. I looked behind and found they were not following me. They were going down to the water-front again and I kept on my course towards the Plaza there. Just as I got up on the street, where the street divides at the Colon Hotel, and runs down to the water front, they were turning up the street, and as soon as they saw me they yelled.

Q. Who did?—A. The mob.

Q. They had pursued you?—A. Yes sir. I don’t know whether they were the same people or not, but as soon as they saw me, they gave a yell. I retreated into the cigar store. I had been in there before with Hamilton and McBride, and got cigars there.

Q. It was about half way between the Plaza Victoria and the Intendente’s building?—A. Very near that; about half way. I went in there and the mob came to the door yelling, and the cigar man said “Carson, they want your life; they are going to kill you.”

Q. You knew the cigar-man?—A. Yes sir. I always used to get my cigars there every time I went ashore, and was very friendly with him.

He says "They want to kill you." I said "I have done nothing to them." He said "Carson, the best thing you can do, is to try and make for that hotel across the street, and get a room."

Q. What hotel?—A. The Hotel Colon. With that I made a rush through the crowd, and they opened the gangway for me, and I made the steps of the hotel. There are two flights of steps going up to the office. I went up the first steps pretty lively. The second flight I went up nice and slow. I asked the man if I could not get a room for the night. The crowd commenced to holler then.

Q. Outside?—A. Yes sir, from down below.

Q. What were they hollering?—A. Hollering everything in Spanish. I knew it was to put me out. They wanted me anyway. He said "No, he could not give me a room." I asked him if he could not give me something to eat; that I had money to pay for it. He said "No" and pointed me towards the door. I stood for a moment or so and a cold chill run through me. I had nothing to protect myself with. I looked at the mob. I knew the cigar-store man would send word to the ship if I was hurt and not able to get to the ship, and with that I went down two steps at a time, jumping sideways in the crowd. At the last steps I raised my hand to catch the first man that stopped me, and with that they opened out, and I stepped right across into the cigar-store. I stood again at the counter of the cigar-store and none of them dared to come in, but only yelled. The cigar-man said "I will try and protect you if I can. Come behind the counter." With that they thought I was going through the door again and commenced to open a passage. I slipped round the counter, and a young gentleman came running up and said "For God's sake get those clothes off."

Q. Who was he?—A. I don't know his name.

Q. What did he mean?—A. I said "It is my uniform, and if I have got to die, I will die with this uniform on." I said "If you are a friend of mine, give me something to protect me." He said "I am an American, nothing will save you; listen to them yelling for your blood at the door; they want your blood."

Q. To whom did he refer?—A. To the Chileans outside. There was only a screen between us and the counter. He said "They are yelling for your blood outside; Yankee blood;" he said "I am an American." I said "Very well sir; I will change my clothes."

Q. What clothes did you put on?—A. Citizen's clothes.

Q. He gave them to you?—A. Yes sir. He sent for them and got them. I asked him to come with me, and said "We can do good work, and look for the rest of my shipmates, who may be knocking around, and know nothing about this trouble." We started out, and I met one of our machinists named Beers. He knew nothing about this trouble. I met him in the "Rose and Thistle."

Q. Were you wounded or bruised in this trouble?—A. No sir; I was not wounded. I had a few clouts, and that was all; a few hits. I did not take any notice of it.

Q. They did not disable you?—A. No sir.

Q. About what time was this, when you were cornered in the cigar-store?—A. It would be about half past six.

Q. Then, as I understand you, when you appeared on the streets in citizen's dress, after taking off your uniform, you were not disturbed by the mob or by any person?—A. No sir, me and him went down.

Q. Did you have any arms, weapons or knife of any kind, about you, at the time?—A. Nothing but my bare hands.

Q. Did the other men of the Baltimore, so far as you know, to whom

you have referred, have any weapons or knives?—A. The only one I see with a weapon, was Stewart. He had something in his hand. I don't know what it was. It was a bottle or something. It looked like a bottle to me.

Q. All of you were in uniform?—A. All in uniform.

Q. What was your condition as to sobriety, during this time?—A. As sober as I am now; a little more determined than I am now, but just as sober.

Q. What was the condition of the other men of the Baltimore, that you saw?—A. Sober all the time, all of them.

Q. All of them?—A. All of them.

Q. How did you get back to the ship, and when?—A. I left this gentleman about 11 o'clock. We went all round, to see if we could find any more of our ship-mates. I met this man Quigley, of the "Baltimore."

Q. The gentleman to whom you refer is the one that gave you the citizen's clothes?—A. Yes sir. I met Quigley, and he was wounded in his arm.

Q. Where did you meet him?—A. I met him in the "Rose and Thistle."

Q. Did he go with you then?—A. No, sir; I left him there and went out. This gentleman said, "I will have to leave you; I advise you to go to the Victoria Hotel." I went there and could not get in. With that I walked the streets all night. I went round the parks and sat on the benches, and from there down to the Mole, until about 5 o'clock in the morning.

Q. In citizen's clothes?—A. Yes sir; I could not get no place to go in. About 5 o'clock in the morning I went into a restaurant and got some breakfast and a wash. I walked then down the Plaza and saw no one, and about 8 o'clock I went to the cigar store.

Q. When did you go aboard ship?—A. One o'clock.

Q. Was there anything else that occurred between all that time?—A. No sir.

Q. How did you get back to the ship?—A. I went and got my clothes at 8 o'clock.

Q. Do you mean your uniform?—A. Yes, sir; I changed my uniform and went round the square and met some of our boys.

Q. Did anything occur after that?—A. No, sir.

Q. How did you get aboard?—A. After knocking round until 11 or 12 o'clock, I went back to the cigar store, and when I said I was going aboard he gave me a lot of cigars. I went right down. As I was going down I met a lot of gentlemen, who advised me not to go down to the Mole. I said, "I have got to go," and "down I am going. I am going to my ship." With that I went straight down. I had a package of cigars, which the cigar-man had given me, in my hand.

Q. Were you in citizen's clothes or in uniform?—A. Uniform. I went clean right through the mob without getting molested, only they were hissing at me, when I was getting into the boat.

Q. What boat?—A. One of the shore boats. I jumped into the first boat that came alongside, and went aboard ship.

Q. What time was that?—A. One o'clock in the afternoon.

Q. On the 17th?—A. On the 17th.

Q. Did you express your approval to any person at Valparaiso of the action of the police on that day?—A. No, sir.

(Sgd.)

JOHN CARSON.

UNITED STATES OF AMERICA,

State and Northern District of California ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John Carson, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the office building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF OWEN CANNING.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Owen Canning, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

OWEN CANNING having been duly sworn, testified as follows:

The JUDGE ADVOCATE GENERAL.—Q. State your name, rating and station?—A. My name is Owen Canning, and I am a coal-heaver on board the U. S. S. "Baltimore".

Q. What is your age?—A. I shall be 22 on the 13th of February.

Q. Were you attached to the "Baltimore" when she was in Valparaiso in October last?—A. Yes sir.

Q. Did you go on liberty that day, with other members of the crew at Valparaiso?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore at Valparaiso that day, between Chilean sailors or others and the members of the crew of the "Baltimore" who were on liberty?—A. Yes sir, I do, on the Mole.

Q. I want you to state all the facts and circumstances within your knowledge, relating to any such disturbance or difficulty, which occurred that day?—A. There were five of us together of the "Baltimore's" crew. We had come down from the Plaza Victoria. We were just going in to a saloon, when one of my shipmates sang out that one of our fellows was on the dock in trouble. We all ran down to the Mole, just ahead of the dock.

Q. What time was this?—A. I don't know the time; just before dusk, I should judge?

Q. You had been on shore about how long?—A. We had been on shore about four hours.

Q. You went ashore about what time?—A. About one o'clock. When I got into this crowd the first one I saw was Davidson. He was getting up. He had been knocked down, I suppose, and he was all bleed

ing. After that I was attacked the same as the rest. I got separated from the other fellows whom I was with.

Q. What did this crowd, that you refer to, consist of?—A. It was composed of citizens; all kinds of people. I see 2 or 3 red pants among them. I supposed they were soldiers.

Q. Chileans?—A. Yes sir; all Chileans.

Q. Did you notice any Chilean sailors?—A. I did not notice any Chilean sailors.

Q. What was this crowd doing when you went up?—A. They were attacking Davidson.

Q. What were they using, any arms?—A. Sticks and stones and fists.

Q. Did you see any knives?—A. No sir, I did not have a chance to see much.

Q. Was Davidson surrounded then?—A. Yes sir.

Q. Did you attack the crowd?—A. I defended myself.

Q. Did they attack you?—A. Yes sir.

Q. How did they attack you?—A. They attacked me with their fists and stones and sticks, and kicking.

Q. At you?—A. Yes sir. I made a break, and I run into a saloon, and after I came out of there, I went down to this Hotel Victoria, and I got a coat and hat off the proprietor of the place.

Q. What kind of a coat and hat?—A. A straw hat, and a light overcoat.

Q. What did you get that for?—A. So that I could go out. I wanted to go and see how things were looking, and I knew, if I went out in my uniform, I would only get the worst of it.

Q. You got it to disguise yourself?—A. Yes sir, to protect myself, so that I could go out, and see what was going on, and to see the rest of the fellows I was with.

Q. Did any of this crowd follow you, when you went to the Hotel Victoria?—A. No sir; I ran in the saloon first. I ran around the corner. I guess I kind of lost them, because not many followed me. I ran to the back of the saloon and got in behind a door. I stopped in there for about 20 minutes. When I went out, it was getting dusk. I went to this Hotel Victoria, and I got a coat and hat, and when I came out again, I went up towards the Shakespeare, and there I saw Rigg in a drugstore. He was laid out on his back. I wanted to get in, to see who it was. I could not see very well from the outside who it was, so I went in under the pretext to buy some medicine. I bought a few pills, and there I saw it was Rigg in.

Q. Lying on the floor?—A. Yes sir.

Q. Covered with anything?—A. No sir, nothing at all.

Q. Was there a crowd about there then?—A. Yes sir; a very large mob outside.

Q. The same kind of a crowd which you saw below?—A. Yes sir, made up of citizens, sailors and soldiers.

Q. Where they assaulting or attacking anyone at that time?—A. No sir, there was no one round except Rigg in. He was laid out in the drug-store, dead, I should think.

Q. This was after Rigg in had been shot?—A. Yes sir; I went up to the drug-store above and there was Turnbull.

Q. When you were moving about with your citizen's overcoat and straw hat on, did you go near, or within sight of the mob?—A. What mob?

Q. Any mob?—A. I went down to the mole. The mob had dispersed on the wharf, and was only around the drug-store.

Q. Was there a noisy crowd of Chileans there?—A. Yes sir.

Q. Did you pass right by them?—A. Yes sir.

Q. Did they molest you in any way?—A. No sir, not when I had this disguise on; they did not recognize me.

Q. How did you account for that?—A. They did not recognize me as being an American man-of-war'sman. Then I came down from there. I was looking for these parties I had been with. When I came down, I went into a saloon.

Q. Was this drug-store, where you found Turnbull, near the drug-store where you saw Riffin?—A. Yes sir, just above it.

Q. Where was Turnbull? Was he lying down?—A. Yes sir; he was lying down on his side.

Q. Did you notice anything unusual about him?—A. Yes sir, I noticed his back was all cut up.

Q. How?—A. With a knife. It looked like stab wounds.

Q. Was he bleeding?—A. Yes sir.

Q. Could you see the blood running?—A. Yes sir.

Q. Was his shirt up so that you could see his naked skin?—A. His shirt was off.

Q. Could you see any wounds on his body?—A. Yes sir.

Q. About how many could you notice?—A. I did not count.

Q. About how many?—A. I should judge about 10 or 15, from the look of his back.

Q. Was he lying senseless on the floor; was he conscious?—A. He rolled over on his back. I don't believe he spoke. I could not see. I was looking in through the door.

Q. What attention were they giving him. Were they doing anything for him?—A. I did not notice anyone doing anything at all to him.

Q. What did you do then?—A. Then I went down to this saloon, right by the Mole, and I saw Joseph Quigley, a fireman on the "Baltimore." He was one of the fellows I was with. He was sitting in there. His hand was all swelled up.

Q. He was attacked by the crowd that you refer to, near the Mole?—A. Yes sir. I went out of there, and I saw them arresting some of our fellows.

Q. What was your condition as to sobriety at this time?—A. I was perfectly sober.

Q. What was the condition of the other men of the "Baltimore"?—A. All sober. I saw Turnbull in the afternoon, previous to this. I would judge about half an hour before he was attacked, and he was perfectly sober.

Q. That was the only other time that you saw him that day after you went ashore?—A. Yes sir.

Q. How did you get back to the "Baltimore", and when?—A. I got back the following morning. I was told by several parties I had better go aboard in the morning, as there was liable to be a big mob waiting for us on the dock when we went off. I met Mr. Sturdy and Mr. Rowbotham, officers of the "Baltimore" about 2 o'clock, up in the Pacific House, and they went down with us, to see that no one would molest us.

Q. You had on your uniform then?—A. Yes sir.

Q. At the time of all this trouble, were you and all the other members of the crew that you saw, in uniform?—A. Yes sir, we were in uniform, when we were attacked.

Q. Did you have any knives or weapons of any kind, or arms about

you, during this time that you were on shore that day?—A. Yes sir, I had a small pocket-knife.

Q. What kind of a knife?—A. A pen-knife that I use for cutting tobacco; a small knife, about that long. (Describing.)

Q. About two inches long?—A. Yes sir.

Q. When it is closed?—A. Yes sir, when it is closed.

Q. Did you, at any time, to any person in Valparaiso, express your approval of the action of the police on that occasion?—A. No sir.

(Sgd.)

OWEN CANNING.

* UNITED STATES OF AMERICA

State and Northern District of California. ss.

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Owen Canning the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the office building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF R. J. J. S. HODGE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate General of the U. S. Navy, by order of the Secretary of the Navy, held at the office building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared R. J. J. S. Hodge, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

R. J. J. S. HODGE having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is Robert James Joseph Sylvester Hodge, and I am a seaman apprentice of the first-class on the "U. S. S. Baltimore".

Q. How old are you?—A. 21 on the 6th of the coming April.

Q. Were you attached to the "Baltimore" in October last, when that vessel was at Valparaiso, Chile?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore that day, at Valparaiso between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty?—A. I did not know of any disturbance at that time?

Q. Not on that whole day?—A. No, sir.

Q. State what, if anything, unusual occurred, when you landed with

the liberty party from the "Baltimore," and what time did you land from the "Baltimore"?—A. I landed on the Mole about half past one. Just as we got on the Mole, there was a young fellow came up to me and Semper.

Q. Who is Semper?—A. Semper was a seaman on the "Baltimore"—and asked me if he could ship on board the "Baltimore"? We told him it would be best for him to go on board and see for himself. He turned round and said "You need not be so damned sassy about it". We said, "we are not sassy at all." He had his hand in his coat like this (illustrating). He must have had a sling-shot of some kind in his hand. Semper had a small penknife in his hand. He had been picking his finger-nails with it. The fellow moved off and said "Well, we will get you tonight anyhow." Then we went on up town.

Q. What was this man?—A. I don't know. He must have been a beach-comber.

Q. Was he a Chilean?—A. No, sir. Then we went up town. About half past 5 o'clock Semper said "We will go aboard the ship." We started, and just as we got down we saw a big gang, and before we could get to the Mole, we were surrounded by these Chilanos.

Q. This was near the Mole?—A. Yes sir, right near the Mole. We turned round to get out of the way of it, and I got struck with a stone. As I was running, a fellow tripped me up and made a lunge at me with a knife, and it struck through my cap. This is the cap (producing cap). I looked round to see who else was with us, and I saw John Butler.

Q. Who is he?—A. A seaman apprentice, second-class, on board the "Baltimore". A stone struck him on the head, and cut his head, and they knocked him senseless. When I got to the station-house—

Q. Were you arrested?—A. Yes sir, we were arrested.

Q. Where?—A. Right at the Mole. Just as we went down to get a boat. They would not let us have any boat. They shoved all the boats away from the mole to keep us from getting in.

Q. Did you see any police at the Mole?—A. There were a lot of police and soldiers, but I could not tell one from the other.

Q. Were they armed?—A. Yes sir.

Q. Did they see these people assaulting you?—A. They must have seen them. I heard they turned a guard out that night to help us, to keep the riot down, and instead of them helping us, they turned against us.

Q. Who did?—A. The officers that they turned out that night.

Q. You have stated that you and Semper went down to the Mole?—A. Yes sir.

Q. This was about half past 5?—A. About half past 5 or 6 o'clock.

Q. What occurred when you approached the crowd? What did they do?—A. They all gathered around us, and commenced to sing out "Kill the Yankees."

Q. Did they have any arms or anything?—A. They had sticks. I could only see this one fellow with a knife, who tripped me up.

Q. Were there any police there?—A. Yes sir; all around the Mole.

Q. What were they doing?—A. They were trying to keep them back all they could.

Q. Were you injured in this row?—A. I got struck on the leg. I did not feel it until that night, after they locked me up, and I was struck in the back with a stone. Then there was a stone that glanced back of my ear, and knocked the skin off, but it did not amount to anything very much.

Q. What became of Butler?—A. He was brought to the station-house.

We were not taken direct to the jail. We were taken to a station-house on the Mole, and then when I was in there they brought Butler in. You could not see his face very good, because there was blood all over. He asked me for a handkerchief, and I gave him one. He wiped the blood off. About 10 minutes afterwards Frank Smith was brought in.

Q. Who was he?—A. Seaman apprentice, first-class, on board of the "Baltimore".

Q. What was the matter with him?—A. He was struck on the head with a stone.

Q. How long did they keep you there?—A. They kept us there for about 10 or 15 minutes. Then the captain of the port's clerk said he was going aboard and would notify the captain about it. At that time a gang of police came in and took us up to the jail, and kept us there until the next evening at 8 o'clock.

Q. Did they make any charge against you?—A. No sir.

Q. Did they release you then that night?—A. They released us about 9 o'clock that night, after Mr. Sears and Mr. Rowbotham came over there. They came over to the court during the day.

Q. Was that the day after the 16th—the day of the row?—A. Yes sir.

Q. Did you see Hamilton that evening?—A. I saw him when we landed on the Mole, but I did not see him any more until I got to the station-house, when about four policemen brought him in.

Q. That was on the evening of the 16th?—A. Yes sir. He was stabbed then. His clothes were soaked with blood. They dropped him down and went through him to see if he had anything. I don't know if they found anything on him or not.

Q. What was your condition as to sobriety, at the time you were on shore?—A. I was sober.

Q. How were the other members of the crew of the "Baltimore", that you saw? What was their condition as to sobriety?—A. All that I see were perfectly sober.

Q. Were you in uniform all the time?—A. Yes sir, in uniform all the time.

Q. Did you express your approval at Valparaiso, to any person, of the action of the police on that occasion?—A. No sir.

(Sgd.)

R. J. J. S. HODGE.

MONDAY, *January 11th, 1892.*

On reading over the testimony to the witness, the witness stated that he desired to add the following to his testimony, and appeared before the Judge Advocate-General, and made the same, as follows:

On the evening of the 16th of October last, when I was trying to make my escape from the Mole, I was coming up the dock and a Chilean officer was standing at the corner of the dock, and he drew his sword and made a cut at me with it.

Q. Who was this officer? A naval officer or an army officer?—A. I don't know whether he was an army officer or a naval officer.

Q. Why did you think he cut at you?—A. Because he drew his sword, and I dodged away from him.

R. J. J. S. HODGE.

UNITED STATES OF AMERICA,

State and Northern District of California, ss.

I, James S. Manley, a commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify

that R. J. J. S. Hodge, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF CONDY BOYLE.

Be it remembered, that at the above entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Condy Boyle, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

CONDY BOYLE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL—Q. What is your name, rating and present station?—A. My name is Condy Boyle. I am a second-class fireman on board the "Baltimore".

Q. What is your age?—A. 28 years.

Q. Were you attached to the "Baltimore", when she was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the "Baltimore" in Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore that day at Valparaiso, between any Chilean sailors or others, and the members of the crew of the "Baltimore" on leave?—A. Yes sir, I know there was a disturbance there.

Q. State all the facts and circumstances within your knowledge, relating to any disturbance?—A. I went on shore on the 16th, about one o'clock, landed at the Mole and went up and had some money changed. I went from there up to Tom White's place, had a drink, and from there I went to Tom Reilly's; we were going to the Opera. We played a few games of checkers in at Reilly's and had a drink.

Q. Who was with you?—A. Myself and Thomas Gallagher, Patrick Eagen, and Patrick O'Neill of the "Baltimore". We went to Reilly's to see if we could get a ticket to go to the Opera, as we heard he was Agent for it. They told us there was not going to be any Opera that night. We had a drink and some more fellows came in, Hamilton, Carson and a few more men belonging to the "Baltimore"; as we were leaving Reilly told us to go and get a room and stay over night before it got dark, or otherwise, for a big crowd of us to stay together, as he feared there was going to be trouble. We did not pay any attention to him. We went across the street and ordered our supper, and while we

were there, the row started outside. We did not see any of this row at all.

Q. You were in a restaurant?—A. Yes sir, in this Frenchman's place. He barred the doors.

Q. The restaurant man did?—A. Yes sir. George Panter, a coal-heaver on the "Baltimore" came to the door. I opened it and let him in.

Q. That is the door of the restaurant?—A. Yes sir. He told us that boatswain's mate Riggins was lying up the street, with his guts cut out, and no one near him except a crowd of Chileans, so Gallagher followed him out, and I followed him out, and a marine by the name of Neil Boyle followed him out. Going up the street we met this mob of Chileans, sailors, citizens and soldiers. As we were passing by, one of them slipped out from the sidewalk and struck me.

Q. Had you said anything to him?—A. Not a word. I did not speak to any of them at all. With that, the soldiers gathered around me, and a cavalry officer on horseback told them to take us away somewhere. We thought they were going to send us to the ship, but they locked us up. Going towards the jail, we met a crowd of other prisoners going down there, some of our shipmates on the "Baltimore". McBride was of the party. We were walking behind together, and he made a break to get away. At that time he was not abused very bad, but afterwards when I met him in the jail he was all cut up.

Q. You were taken to jail?—A. Yes sir.

Q. How long were you in jail?—A. About 24 hours.

Q. Why did they arrest you?—A. I don't know, except that it was to keep us away from the mob.

Q. Did the police treat you well?—A. Not very well. On the way down, when McBride got away, they got their guns against me, and rushed me right ahead. There were four of them behind me.

Q. What did they have on their guns?—A. They did not have their bayonets fixed on their guns.

Q. About what time was it, that you came out of that restaurant?—A. Just dusk.

Q. About where was that restaurant?—A. I don't know the name of the street. It is about two blocks up from the dock.

Q. Do you mean from the Mole?—A. Yes sir.

Q. That is where you were when you came out?—A. That is where this restaurant was.

Q. That is the place you came out from, when you heard that Riggins had been wounded?—A. Yes sir; I was within about two blocks of the Shakespeare, when I met this mob.

Q. Did any of the rest of the mob, make any assault on any of the other men with you?—A. No sir.

Q. Did you have any knife or weapon, or any arms about you?—A. I had a small pocket-knife in my possession, that I used for cutting my tobacco.

Q. What was your condition as to sobriety?—A. I had had two glasses of beer.

Q. Was that all?—A. Yes sir.

Q. Were you sober or drunk?—A. I was sober.

Q. Did you have any warning, prior to your going ashore, or afterwards, that there was to be trouble, except what Reilly told you?—A. Yes sir; I heard the same story in White's, and aboard the ship, that it was rumored around that there would be trouble, but we did not pay any attention to it.

Q. Did you, at any time, express your approval to any person in Val-

paraiso of the action of the police on that day towards the crew of the "Baltimore"?—A. No sir; I did not say anything one way or the other. I know they did wrong.

Q. Was there any charge made against you at the police station, on account of your arrest?—A. No sir.

Q. They did not inform you why you were arrested?—A. No sir.

(Sgd.)

CONDY BOYLE.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, JAMES S. MANLEY, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Condy Boyle the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards, by them, reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN MCBRIDE.

Be it remembered, that at the above entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John McBride, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN MCBRIDE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is John McBride, and I am an oiler on board the U. S. S. "Baltimore."

Q. What is your age?—A. 43.

Q. Were you on board the "Baltimore" when the vessel was in the harbor at Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew at Valparaiso on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore at Valparaiso, that day between Chilean sailors or others, with the crew of the "Baltimore" who were on shore on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to such disturbance or difficulty.—A. I left the "Baltimore" about one o'clock in the afternoon of the 16th of October.

Q. On liberty?—A. Yes sir. As soon as I landed, I went up and had my money exchanged at the exchange office, and while getting the

change, the exchange man told me that I had better look out for myself; that there was going to be an attack made that day. John Hamilton was with me at the time, and we went down, about four doors below that, to a man named White, a saloon keeper, and he also told us, we had better house ourselves before it got too dark, that the Chileans meant to attack us that night. We stayed down there probably an hour, and went up as far as the Victoria Plaza afterwards. We were up there until about 4 or 5 o'clock. Captain Schley and Lieutenant Sebree passed us in the meantime, and we saluted them.

Q. Who were the other men with you?—A. John Carson and John Hamilton were with me. Carson had some business to do down at a man's place named Reilly. I separated from them then, and went up to the other end of the town at the Victoria Plaza. I was away probably about an hour, and came down and could not find anyone about the Victoria Plaza. Then I started to the Mole. I met Larsen, one of the seamen on board the "Baltimore" on my way down.

Q. About what time was this?—A. This was about 6 o'clock. I walked down 4 or 5 blocks and Larsen told me that he had business in other portions of the town, and I left him, and about 5 minutes afterwards, there were two more of the "Baltimore's" crew came along by the name of Pfeiffer and Johnson. They told me that there was a row started down at the Mole and we had better look out for ourselves.

Q. You were on the way down then?—A. Yes sir; I was looking up some of the boys. No one was with me at the time, after Larsen had left me. We started down across streets, to go in towards the water front.

Q. Where were you then?—A. We were coming down from the Victoria Plaza. I had got about half way down to the Mole at this time, and crossed over this cross street, the three of us together, and just turned the corner, when two policemen got hold of me, and hit me with a sword.

Q. Two of them hit you with a sword?—A. Yes sir, two Chilean policemen.

Q. One of them, you mean, hit you with a sword?—A. Two of them caught hold of me, pushed me up against a building and beat me with a sword.

Q. Both of them beat you with their swords?—A. Yes sir, with their sword bayonets.

Q. Where did they strike you. In what part of the body?—A. Along the arms, body and legs with it.

Q. Were you resisting them at all?—A. I was not. I did not know what they meant. I did not know whether they intended to kill me or not.

Q. Had you said anything to them before that?—A. No sir; I had not said anything at all.

Q. What did they say to you?—A. I don't understand Spanish, and don't know what they were saying.

Q. Were you disobeying any order that they gave you?—A. No sir; I had not said a word to any one or molested any one.

Q. You stopped when they came up?—A. No sir; I was going down across the street, at the time, and just as I turned the corner, they grabbed me and assaulted me with their sword bayonets. They finally held me there until there was another party of Chilean policemen coming up with some of the "Baltimore's" crew who had already been arrested.

Q. You did not have any struggle with these policemen who were holding you? Did you attempt to escape from them or break away?—
A. Not at this time.

Q. Why did they hold on to you?—A. I don't know. I could not find out. When this other party came up, of policeman, with some of our men who had already been arrested, I was thrown in with them. I was put alongside of a man by the name of Condry Boyle, and they still kept beating me with their bayonets, and I wanted to know the reason why. Every time I would speak to them, I would get another whack with their bayonets. I came to the conclusion, that the best thing I could do was to break away, and make my escape, and the first opportunity that showed up, I made my escape.

Q. From the police?—A. Yes sir. I was followed by mounted policemen. They were armed with sabers. I ran, I think, about a block and a half when I was struck on the head with a saber and knocked down.

Q. By a mounted policeman?—A. Yes sir. In trying to protect myself I got cut across the wrist here.

Q. By a mounted policeman's sword?—A. Yes sir, he did that with his sabre.

Q. Is that the scar on your wrist now?—A. Yes sir (pointing to the left wrist). I was cut on the right side of the head here as well.

Q. Did he knock you down?—A. Yes sir, and beat me while I was down.

Q. What with?—A. With his sword. I was black and blue all this side of my arms and legs. I was on the sick list for about four days afterwards.

Q. On account of these wounds?—A. Yes sir, and he whistled for some of the other policemen, and two of the foot policemen came up and took me in charge. I was marched on to the jail, and on my way to the Jail I was jabbed and pushed along. When I would not walk fast enough I was shoved along.

Q. What were you jabbed with?—A. With the sword bayonets.

Q. Did they stick you?—A. Yes sir, they could prick you up pretty lively. You could feel it so as to make you start. I was then taken up to the Jail, and they took what money I had. I had an English one pound, and about five dollars in Chilean money. I was put in a cell along with a coal-heaver by the name of Lacy, and kept there I suppose until about midnight, and turned into a large enclosure about 30 feet square where all hands of the "Baltimore" who had been arrested that night, were already in.

Q. How long did you remain there?—A. In the jail?

Q. Yes?—A. From about 8 o'clock that evening—between 8 and 9 o'clock I was arrested and put in jail, until half past 7 the following evening.

Q. Where did you go then? Did you return to the ship?—A. I was released from jail, and Mr. Sears, took me down to the ship.

Q. And you went on board?—A. Yes sir.

Q. Did you have any arms or weapons or knives, or anything of that kind about you, during that time that you were on shore at Valparaiso, on liberty?—A. No, sir.

Q. Did any other of the men whom you met from the "Baltimore," as stated, have any weapons of any kind?—A. No sir, not that I am aware of.

Q. Were you in uniform all the time?—A. Yes sir.

Q. Were the other members of the crew of the "Baltimore" in uniform?—A. Yes sir.

Q. What was your condition as to sobriety when you were on shore?—A. Perfectly sober.

Q. What was the condition of the other members of the "Baltimore's" crew as to sobriety?—A. Perfectly sober. I did not see a man under the influence of drink during the time I was on shore.

Q. Do you refer to the crew of the "Baltimore" only, or to others?—A. I mean the crew of the "Baltimore." That is all I refer to.

Q. Did you, at any time in Valparaiso, to any person, express your approval of the action of the police on that occasion?—A. No, sir.
(Sgd.) JOHN McBRIDE.

UNITED STATES OF AMERICA,

State and Northern District of California ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John McBride, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting and read over to the witness; and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF F. H. SMITH.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared F. H. Smith, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

F. H. SMITH, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present position.—A. My name is Franklin H. Smith; seaman apprentice, first-class on the "U. S. S. Baltimore."

Q. What is your age?—A. 21 next June.

Q. Were you serving on board the "Baltimore" when she was in Valparaiso in October last?—A. I was.

Q. Did you go on shore or on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred that day at Valparaiso, between any Chilean soldiers or others, and the

members of the crew of the "Baltimore" who were on liberty there?—
A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to such disturbance or difficulty?—A. I went ashore about one o'clock with the rest of the liberty party. We went up to hire horses. Five of us were in the party I went with. We hired horses and rode out to the eastern section of the city.

Q. Who were the other four?—A. George Ryan, W. R. Holdsworth, Benjamin R. Wilber and W. E. White.

Q. Were they members of the "Baltimore's" crew?—A. Yes sir. About 6 o'clock we turned the horses in and came down the street, toward the landing—the Mole, and we saw a sign on the door of a restaurant, oysters. Some one suggested we should get supper. We went into the restaurant and took a private stall. While in there we heard a crash outside. I was sitting next to the door. I got up, and stepped outside to see what the trouble was.

Q. Outside on the sidewalk?—A. No sir, down to the door of the stall. It was immediately next the door of the street. As soon as I got to the door, a Chilean took hold of my arm, and pulled me down in the street.

Q. What was he, a Chilean sailor or soldier?—A. A civilian I think. Some one struck me from behind. I fell on my knees, and when I got up I was hit again.

Q. Where did they hit you?—A. On the back of my head. Someone took a knife out. When I see the knife coming I dodged it, and it struck up against my head. This was the cap I had on (producing).

Q. It struck your cap?—A. Yes sir, it struck at my head, and this is the knife cut on the cap. I ran toward the plaza Intendencia, with the mob following me, and they struck me with rocks on my head. There are cuts on that cap from the rocks. I started to run to the Mole. I was going to try and swim to a boat to get to the ship.

Q. Was the mob following you?—A. Yes sir.

Q. What did the mob consist of?—A. They seemed to be a mixture of Chilean sailors and soldiers.

Q. What were you running for?—A. I was trying to get away from the mob. When I was running down the street a Chilean put out his foot in front of me. He was coming in an opposite direction, and I went sprawling on my hands and face. When I was down, he struck me on top of my head with something that made a terrible cut and I could not get up. I was kind of dazed then, and I just remember being taken into a prison or cell on the water front.

Q. You were struck while you were down with something?—A. Yes sir.

Q. Do you mean it knocked you senseless?—A. It left me dazed, and all my senses left me.

Q. Did you say that you found yourself in a police station afterwards?—A. Yes sir, that is where they brought me. It was a police station or private prison of some kind.

Q. Who took you there?—A. One citizen and an officer. He had on a uniform.

Q. Did they state where they had taken you?—A. No sir, they did not tell me.

Q. Was it to a jail?—A. I don't believe it was a regular Jail.

Q. How long were you in there?—A. About three quarters of an hour.

Q. Then what?—A. Then they brought me to the Central Police sta-

tion. There I found Hamilton. He was lying across the main entrance.

Q. Who was he?—A. Carpenter's mate on the "Baltimore".

Q. What was the matter with him?—A. He seemed to be pretty badly cut up, covered with blood, lying down on the pavement; his head was resting on a stone step.

Q. Was any person looking out for him that you noticed?—A. No sir, there was no one there.

Q. How long did you remain in jail before you got out?—A. The next evening.

Q. Did you return to the ship?—A. Yes sir.

Q. How did you get back?—A. About 30 of us was marched down in file.

Q. When you were dragged out of the restaurant, to which you referred in your testimony, did the mob attack you then?—A. As soon as I was dragged into the street, someone struck me behind, and I fell on my knees.

Q. What with?—A. I could not tell. It was a blunt instrument.

Q. Was it dark?—A. It was dusk.

Q. That restaurant was near the Mole, as I understand you?—A. Yes sir.

Q. What were these men who were following you, saying?—A. They were crying out. I could distinguish "Americano".

Q. How were you treated when you were under arrest, by the police?—A. I was very thirsty and feverish in the cell. It was very cold. I asked the guard, who was in a little box right opposite the cell there, for a drink of water. He put in his hand through the bars and I gave him 50 cents and he allowed me to get a drink of water about 10 minutes afterwards.

Q. Did he give it to you?—A. No sir, about 10 minutes afterwards the corporal or someone came along and opened the door, and they allowed us to get some water. About 15 minutes after that some one wanted a match, and the guard put his hand in the bars again, and we gave him 40 cents more, and he gave us a box of matches.

Q. How were you treated by the police on your way to the prison under arrest, when they had charge of you?—A. I spoke to John Butler, a member of the crew of the "Baltimore". He was staggering along the street, and I had him on my arm.

Q. Why was he staggering? What was the matter with him?—A. He was taken with us from the private prison.

Q. What caused him to stagger?—A. He was weak from the loss of blood.

Q. From his wounds?—A. Yes sir.

Q. Now go ahead with your statement?—A. He said something to me. The guard who was with me said "Shut up, you American son-of-a-bitch," and he shoved his gun up against my face, and he said, "I will kill you". We did not say anything more and went along.

Q. Did he do that with the butt of the musket?—A. He took his musket by the small of the stock and barrel, and shoved it up against me like that (illustrating).

Q. Did you have any weapons or arms of any kind about you?—A. No sir.

Q. Did you see any of the other members of the crew of the "Baltimore" with weapons or arms of any kind?—A. No sir.

Q. Knives?—A. No sir.

Q. Were you in uniform all the time?—A. Yes sir.

Q. What was your condition as to sobriety?—A. Perfectly sober; I had not drank anything.

Q. What was the condition of the other members of the crew of the "Baltimore" whom you saw on shore that day, as to sobriety?—A. Perfectly sober.

Q. You did not see a drunken man among them?—A. No sir.

Q. How did you get back to the ship?—A. I was released the next evening with about 20 others, and escorted by Lieutenant Sears, aboard the ship.

Q. Did you at any time in Valparaiso, express to any person there, your approval of the action of the police on that occasion?—A. No sir.
(Sgd.) F. H. SMITH.

UNITED STATES OF AMERICA,

State and Northern District of California, ss.

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that F. H. Smith the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM E. WHITE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William E. White, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

WILLIAM E. WHITE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is William E. White, and I am a seaman apprentice of the first-class on board of the "U. S. S. Baltimore".

Q. What is your age?—A. 22.

Q. Were you serving on the "Baltimore" when she was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the "Baltimore" in Valparaiso, in the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore at Valparaiso, that day, between Chilean sailors and others, and

members of the crew of the "Baltimore", who were on liberty there that day?—A. Yes sir.

Q. State all the facts and circumstances in your knowledge in relation to any disturbance or difficulty?—A. We went ashore about one o'clock, myself and four other companions belonging to the "Baltimore", and went up and hired horses. We rode round the city all the afternoon. About a quarter to six, we turned the horses in and went down to the restaurant, and was sitting in a private stall in the restaurant; while being served we heard a crash. Smith, who was nearest to the door, jumped up and went to the door to see what was the matter.

Q. Smith was one of your men?—A. Yes sir. When he went out the crowd rushed past and a Chilean soldier rushed in. He had no rifle or side-arms. He struck the table with his fist. We jumped up, and the proprietor and several others took and threw him out and bolted the door.

Q. What did he say when he struck the table?—A. I could not tell you.

Q. You did not understand?—A. No sir. We went out on the opposite side of the street and we saw three policemen and a crowd of Chileans. They had J. Hamilton and his hat was gone and his clothes soiled, and his face all bloody.

Q. Who was he?—A. He was a carpenter's mate on board the "Baltimore".

Q. Where did they have him?—A. They were leading him down a street on the opposite side of the street from us.

Q. He could not walk?—A. Yes sir, he was walking at the time.

Q. Steadily?—A. I could not say.

Q. Were they leading him?—A. Yes sir; then we went up the street to the Victoria Hotel.

Q. Did you notice anything about Hamilton?—A. Only that his face was bloody and his clothes soiled, and he had no hat on. We went up to the Victoria Hotel, and there we saw Fredericks and C. G. Williams of the "Baltimore". We told them about it, and they went out to see who was hurt. We stopped there all night, and came aboard the next morning in the market boat.

Q. Did you see anything more of the disturbance?—A. No sir.

Q. Did you see any mob in the streets?—A. No sir, the street we were in was entirely vacant.

Q. About what time was it, when you were at dinner?—A. Between 5 minutes to six and 20 minutes after.

Q. Did you have any arms or weapons about you?—A. No sir.

Q. Had any of the other party who were with you?—A. No sir, not to my knowledge.

Q. Were you in uniform?—A. Yes sir.

Q. Were they in uniform?—A. Yes sir.

Q. You did not see the crowd that dragged Smith out?—A. No sir.

Q. Had you any warning prior to going ashore, or after going ashore, that there would probably be difficulty when the crew of the "Baltimore" landed?—A. After we got ashore we stopped in a restaurant, and they cautioned us not to go outside the city limits.

Q. Who did?—A. The proprietor. He said that some one might hit us with stones. That was when we were on horseback.

Q. He cautioned you not to go outside of the city limits?—A. Yes sir.

Q. Why?—A. Because on the lonely roads, he said, some one might knock us down with stones.

Q. Was that all the warning you had?—A. Yes sir.

Q. What was your condition as to sobriety?—A. I was sober.

Q. What was the condition of the other men belonging to the "Baltimore"?—A. They were all sober.

Q. Did you, at any other time, in Valparaiso, to any person there, express your approval of the action of the police on that occasion, on that day?—A. No sir.

(Sgd.)

WM. E. WHITE.

UNITED STATES OF AMERICA.

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William E. White the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN F. McADAMS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John F. McAdams, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN F. McADAMS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE GENERAL.—Q. What is your name, rating, and present station?—A. My name is John F. McAdams, and I am a water-tender on the "U. S. S. Baltimore".

Q. What is your age?—A. 44, next November.

Q. Were you attached to the "Baltimore", when that vessel was in Valparaiso in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the "Baltimore," at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance, which occurred on shore that day at Valparaiso, between Chilean sailors and others, and members of the crew of the "Baltimore" on liberty there?—A. Yes sir.

Q. State all the facts and circumstances in your knowledge relating to any such disturbance or difficulty on that occasion?—A. I went ashore about one o'clock in the afternoon with a friend of mine, a shipmate. We went direct up town. We did not wait to change any money. We

went to see a friend of mine, who I was going to have dinner with, a steam-fitter. He was a resident of Valparaiso, but a foreigner—a German. We went to his house and he was out. He has married a Chilean woman. She knew me, and told me that Carl was out but she expected him home pretty soon. We went out and walked round up near the Vina Del Mar station, and walked round that way, and we happened to meet this friend of mine, and went back to his house, and had some refreshments there. We came out again, and came down as far as the Victoria Plaza, and this shipmate of mine wanted to go to bed. He wanted to get a room for the night before it got too late.

Q. Who was he?—A. Peter Mahony, a water-tender. So, I asked this friend of mine, where we would get a good place to stop. I thought it would be better to get a room before it would be all crowded up. He brought us up about three blocks further north, above the Victoria Plaza. There was only one room there, and he took it.

Q. Who did?—A. This shipmate of mine, Mahony.

Q. Go ahead with your statement?—A. This friend of mine brought me back to the Victoria Plaza. We went through the Plaza over to the other corner, and went into a restaurant or hotel. There are two doors going in. He went in on one side, and I was going in the other. A policeman standing at the corner, stopped me.

Q. This was at the Plaza Victoria?—A. Yes sir, right at the corner. As soon as he did that, this friend of mine came out on the other side, and he went in between him and me and spoke to him in Spanish, to ask him, as he told me afterwards, what was the cause of the arrest. As he did that, a policeman ran over from the other side of the street, and pulled out his sidearms or sword to attack me with. A gentleman was coming up the street—it appeared he had been following us up—a Scotchman I believe he was, by his accent. He stopped this policeman and said that he would go up to the central station; that he was acquainted with the commanding officer. He went up with us to the station.

Q. What time was it, that this policeman accosted you there?—A. About half past 8, when I got in the station-house.

Q. How long did it take you to get from that place to the station-house?—A. About three blocks, I should say. We went up there, and he shook hands with the commanding officer. He talked to him for a good while, and I was put in a kind of a guard-room on the other side, just opposite the office. This friend of mine went with me. He said "I will stay with you, until you get out, because you don't understand the language." Before this gentleman went away, he came over and said "It is all right, McAdams, I guess you will get out, I spoke to the commanding officer about you, and said I knew you were all right; that you were in no trouble and no fight with any one." I did not see any prospects of getting out. This friend of mine spoke about it. In the meantime, when I went in there, first, Hamilton was lying there on a slab.

Q. What Hamilton?—A. A carpenter on board the "Baltimore." I did not know he was hurt at the time. I looked at him and thought he might have been asleep. About half an hour after I was in, I heard him moan. I got hold of his leg and pulled him down to the light, where I could see him. I picked him up and held him before an electric light on a post about as high as my head. I looked at his head, and I thought he was dying. He was pale and insensible, and must have been all the time I was there.

Q. Was any one looking out for him at all?—A. No sir.

Q. Was he bleeding?—A. Yes sir, he was covered with blood.

Q. Did he know you?—A. No sir.

Q. He was not conscious?—A. He was unconscious all the time I was in there. I told Carl to call the officer of the guard to get a surgeon, that this shipmate of mine was dying, or was already dead. He called the corporal of the guard,—he was sitting on a chair outside the door—and told him what I had told him to say. He went over to the commanding officer and told him something. After awhile the captain of police came over and he could talk a little English. He asked me what was the matter. I told him a man was hurt pretty badly, and I supposed he was dead. There was not a moan out of Hamilton then. I could do nothing for him, and Jack Talbot came in with his clothes all cut up.

Q. Who is Jack Talbot?—A. One of my shipmates on the "Baltimore."

Q. Was he arrested too?—A. Yes sir. He came in there and his shirt was cut off his back. I asked him what was the matter with him? He said there had been some trouble down the street, and he was cut up by some Chileans. I looked at his back and he was cut about that long across the shoulder blade; about $3\frac{1}{2}$ inches long; it laid right open. I told him to sit over in the corner and keep out of the cold. He said he did not feel very bad with it, but I thought it was a pretty bad cut.

Q. Did anything else occur there, while you were there?—A. No, sir; only that I got Talbot and Hamilton taken out of there.

Q. For better care?—A. Yes sir.

Q. What did they do with them?—A. The captain said he would send them to the hospital. Talbot they took out and put in the cell with the other prisoners. I saw him afterward when I went to the water closet.

Q. How long were you in there?—A. Until half past 11 that night.

Q. Then they let you out?—A. Yes sir.

Q. What did you do then?—A. I went to a hotel.

Q. Did they tell you why you were arrested?—A. I could not understand. They told my friend they were arresting all the "Baltimore's" men that they found.

Q. When you were arrested near the Plaza Victoria, when the policeman came up and drew his sabre on you, were you attempting to resist the other policeman who was there?—A. No sir; I was standing there dumb.

Q. Had you offered any resistance?—A. No sir.

Q. Had you said anything to the man, or made any motion towards him?—A. No sir; I looked at this friend of mine and asked him what it was about.

Q. Did you understand why he attacked you, with his sword?—A. He was drunk for one thing—the second man that came across the street could hardly stand up.

Q. Was he a policeman dressed in police uniform?—A. Yes sir.

Q. What color?—A. Blue.

Q. That is all you saw of the disturbance?—A. That is all.

Q. Had you any weapon or knife or arms of any kind, about you?—A. No sir.

Q. Had this other man who was with you?—A. Not that I know of.

Q. Had Mahony any?—A. No sir; he was not around there anyhow. He was in bed.

Q. Were you in uniform, at the time this policeman attempted to strike you?—A. Yes sir. Just as I am now.

Q. He did not hit you with his bayonet?—A. No sir.

Q. You were not struck at all?—A. No sir.

Q. Did you have any warning from anyone, that there might be difficulty on shore that day, if the "Baltimore's" men were on shore?—A. No warning, any more than this man's wife told him, so he told me, when he came out—she was a Chilean woman, and she was talking Spanish to him when he was leaving the house, and she told him not to stay out after dark, and he told me, he thought there was going to be trouble.

Q. What was your condition, and that of Mahony, as to sobriety?—A. The same as it is now. I had not taken anything for 3 or 4 months before that.

Q. You had not taken anything to drink?—A. No sir.

Q. Then you were perfectly sober?—A. Yes sir.

Q. How about Mahony?—A. He was all right. He drank some beer, but he was sober.

Q. When, and how did you return to the "Baltimore"?—A. I went back in the morning, with the rest of the liberty party.

Q. In the ship's boat?—A. Yes sir, with the officers.

Q. Did you at any time in Valparaiso, to any person, express your approval of the action of the police, on that occasion?—A. No sir.

(Sgd.)

JOHN F. McADAMS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss.

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John F. McAdams the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards reduced by them to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof I have hereunto set my hand this 11th day of January, A. D., 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM LACEY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William Lacey, who after being duly cautioned and sworn, did depose and say as follows, to-wit:—

WILLIAM LACEY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and

present station.—A. My name is William Lacey; I am a coal-heaver on the U. S. S. "Baltimore".

Q. What is your age?—A. I am 29 years old.

Q. Were you attached to the U. S. S. "Baltimore" when she was in Valparaiso in October last?—A. Yes sir.

Q. Did you go on shore on liberty from that vessel in Valparaiso with other members of the crew of the "Baltimore" on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore there at Valparaiso there that day, between Chilean sailors or others, and members of the crew of the "Baltimore," who were on leave?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to any such difficulty or disturbance?—A. I went on shore about one o'clock in the afternoon of the 16th of October last, with the other members of the crew. I was in company with Clifford and Caulfield, two marines of the "Baltimore". We went into Riley's saloon and Mrs. Riley warned us that there was an attack meditated on us during the evening.

Q. Attack meditated on you by who?—A. By the Chileans. And she told us to find safe quarters, if we could, after dark. We said we would; but we didn't think we would be attacked or interfered with before it got dark. We went into another house and had a few drinks, and coming out we were told that there was a row down on the Mole.

Q. What were you men drinking then?—A. We were drinking beer, sir. We were told that there was a row down on the Mole between Chileans and our men, and that all the Chileans were attacking our men, and every person connected with our ship that they could find.

Q. In different parts of the City?—A. Wherever they could find them.

Q. In the city?—A. Yes sir. One man told us he would show us the way down so as to help our fellows out, but that we had not better go down that way, because there were some people had seen us coming out, and were waiting for us on the corner.

Q. What kind of fellows?—A. Chileans, waiting for us.

Q. What did you understand that they were waiting for you for?—A. To attack us. We turned back with this man, and we had not proceeded far on our way when there were some Chilean sailors and Chilean citizens as well started yelling at us.

Q. What did they say?—A. They were yelling something in Spanish; I didn't understand what it was. We tried to get away. We knew that there was a row meditated, and we tried to get away from them, and prevent it. Then there was a shower of cobblestones came from these Chileans.

Q. How many people were there?—A. There was a street full. I was kind of excited at the time by the cobblestones thrown at us. I was struck in the back of the head and knocked down.

Q. By a cobblestone?—A. Yes sir, by a cobblestone from this Chilean mob. Then I picked myself up and ran, and got into a clothing store. And as I was going in there was a man of war's man jumped at me with a knife.

Q. What kind of a man of war's man?—A. A Chilean man of war's man.

Q. Had you seen him before?—A. No sir; I had never seen him before. I threw up my elbow to ward off the blow, and he stabbed me through the elbow.

Q. What kind of a knife was it that he had?—A. At the time I couldn't say; it was a sheath knife or something like that. And the crowd all gathered outside of the door.

Q. Was this man in the Chilean uniform?—A. Yes sir. The crowd gathered outside of the door. And an American, who I had been speaking to during the early part of the day sung out from the door that I was in a tight fix; and I said I was; and he told me that if I would hold the crowd off for a few minutes, that he would go and get the police, that that was my only safeguard. He got the police, and they came and put the nippers on me and took me to the lockup. When we got to the lock-up, as soon as I went into the prison gates I saw Hamilton; he was lying face down opposite the officer's office. He was moaning, and seemed to be in great pain. He was putting his hand on his side, and pressing it. They locked me up.

Q. Did you see any blood on Hamilton?—A. I saw blood on the back of his head. That was the only place I could see any blood. It was dark. I was locked up in a cell with McBride; and I didn't see anything afterwards. I heard Hamilton was taken to the hospital.

Q. How long did you remain in the prison?—A. I remained there until eight o'clock the next evening.

Q. Why did they arrest you?—A. I haven't got the slightest idea, but that it was for protection, unless it was for protection.

Q. How were you treated by the police while you were under arrest?—A. They didn't interfere personally with us; but they stood outside the bars, and drew their fingers across their throats.

Q. Who; the police?—A. Yes sir. They said something in Spanish, that I didn't understand.

Q. Did they put the nippers on you when they arrested you?—A. Yes sir.

Q. Did they allow you to walk along with the nippers on?—A. Yes sir; there was about eight of them armed with rifles.

Q. How were they dressed?—A. In blue clothing; blue pants, coats and hats.

Q. And they were armed with rifles?—A. Yes sir; they were armed with rifles.

Q. Do you know where Riley's place is; what street it is on.—A. I am not exactly sure whether it is named Ship Street or not, sir. I think some of the men call it Ship Street. It is close to Ship Street anyhow.

Q. Will you state about where you were when this assault was made upon you by the mob?—A. Well, as I discovered afterwards, it was about, I should say, five or six hundred yards away, going towards the right side of the City, from the Victoria Hotel. The Victoria hotel comes down there, because Clifford and Caulfield told me afterwards they had got an entrance in there.

Q. Do you know where Riffin was shot?—A. No sir; I was not in that row.

Q. You don't know now where he was shot?—A. No sir; I heard afterwards that he was shot in the square.

Q. Were you badly hurt in this trouble?—A. I had my head cut open, sir; and I was stabbed. And even to the present time, I feel the effects of that stab in my arm. There is a tendon or something hurt inside of it.

Q. Did you say anything to these people, make any threats or anything of that kind?—A. No sir, I did not. In fact, if I had done so, they would not have understood me.

Q. How did you get back to the "Baltimore?"—A. I was marched back by Mr. Sears.

Q. The next evening?—A. Yes sir.

Q. After you were released?—A. Yes sir.

Q. Had you any arms, weapons, knife, or anything of the kind when you went ashore that day?—A. No sir.

Q. Were you in uniform all the time?—A. Yes sir.

Q. What was your condition as to sobriety?—A. I was perfectly sober; as sober as I am now, sir.

Q. What was the condition of the other members of the crew of the "Baltimore," when you saw them during that day on shore, as to sobriety?—A. They were all sober, sir.

Q. Did you at any time in Valparaiso, to any person, express your approval of the action of the police on that occasion?—A. No sir, I did not.

(Sgd.)

WM. LACEY.

UNITED STATES OF AMERICA,

State and Northern District of California. ss.

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William Lacey, the witness who subscribed the forgoing deposition, was by me duly sworn; that said deposition was taken on the 9th. day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF PETER JOHNSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Peter Johnson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

PETER JOHNSON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating and present station.—A. Peter Johnson; I am gunner's mate on the "U. S. S. Baltimore."

Q. What is your age?—A. My age is 29 years.

Q. Were you attached to the "Baltimore" when she was in Valparaiso in October last?—A. Yes sir.

Q. You were attached to the ship at that time?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore that day at Valparaiso, between any Chilean sailors or others and the members of the crew of the "Baltimore" who were on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to such disturbance or difficulty?—A. I went on shore about one o'clock in the afternoon on liberty; and I went up town, in the north-western part of the city.

Q. Towards the Plaza Victoria?—A. I don't know exactly what Plaza it was.

Q. Which way did you turn when you landed?—A. I turned to the left.

Q. Then it is the southeastern part?—A. Yes sir.

Q. Up towards the Plaza Victoria?—A. Yes sir. I was up that way until five o'clock, about, and I came down about six or quarter past six. I can't exactly give the time. I saw Hamilton lying on the street, and I walked towards him, and there was a crowd of policemen around him.

Q. You saw Hamilton lying in the street?—A. Yes sir; there was a crowd of policemen around him; and I went and I asked one of them if I could take Hamilton on board ship, or take him to an apothecary shop. And they didn't understand what I said. And one of them hauled out a sword bayonet and made a motion to stab me.

Q. Who did?—A. The policeman did. And I walked away, and there were some Chilean citizens around there, and there were Europeans too; and there was one of them that could speak English; and I asked him to ask the policemen if I could take Hamilton away from there. And he spoke to the policeman, and the policeman told him to tell me if I didn't walk away and go about my business, he would do the same thing to me.

Q. What did he mean?—A. I don't know what he meant. He meant he would lock me up, I expect. I walked away, and walked further down towards the wharf or landing.

Q. What position was Hamilton in when you saw him?—A. He was lying on his face. He was all full of blood, lying in the street.

Q. Was there anything under him?—A. No sir; there was nothing under him.

Q. Go ahead.—A. So I walked down, and there was a crowd of policemen there coming along, and passed me; and I walked along, and one of them came up and pointed his revolver in my face and said "Americano."

Q. You say a policeman came up and put his revolver in your face?—A. Yes sir; and he said "Americano," and something else; but I didn't understand what he said.

Q. He said it in Spanish?—A. Yes sir.

Q. And you don't speak Spanish?—A. No sir. He arrested me and took me to the station house. When I got to the station house, I saw Hamilton lying on the doorstep.

Q. He had been taken there in the meantime, you mean?—A. Yes sir.

Q. How did this policeman treat you on the way to the station house?—A. Well, he treated me all right. He didn't say anything to me. I was sober, and they could not very well say anything to me.

Q. Did any of the crowd say anything to you as they walked along?—A. No sir, I didn't see any crowd at all then. It was pretty dark then.

Q. What time was it?—A. It was about half past six.

Q. When a policeman arrested you, and when you saw Hamilton in the street?—A. It was about a quarter to six then. It was just a little after I saw Hamilton in the street, that I was arrested.

Q. Do you know where it was that you saw Hamilton?—A. No sir; I can't tell where it was.

Q. Which part of the town was it?—A. It was a little up above the landing, to the right there were big houses.

Q. The ship laid there, (showing on diagram); and there is the Mole, and when you went up to the Plaza Victoria, you went up to the left?—A. Yes sir.

Q. And when you came down you crossed there in this direction, (showing), where you saw Hamilton?—A. Yes sir; I believe it was somewhere around there.

Q. Then it was in the northwestern part of the town?—A. Yes sir.

Q. Is that what you mean?—A. Yes sir; the northwestern part of the town.

Q. Did you see any other difficulties there that day?—A. No sir; I didn't see anything else.

Q. How long did you remain in the prison?—A. I remained there from that night until Saturday night. Friday night I was locked up, and they let us out Saturday night.

Q. Did you then return to the ship?—A. Yes sir, I returned to the ship then.

Q. Were you in uniform all this time?—A. Yes sir. Mr. Sears took us out of Jail.

Q. Did you have any knife, arms or anything of that kind about you?—A. No sir.

Q. Did you see any other members of the crew of the "Baltimore" have any weapons of any kind while they were on shore there?—A. No sir.

Q. Did you have any warning that there was going to be any difficulty on shore there?—A. Yes sir; I had warning that they were going to attack us.

Q. From whom?—A. A little after I came ashore, there was a European there by some store, who told me, "you had better look out for yourself".

Q. Where did you meet him?—A. I met him a little above that square; that money exchange.

Q. Was that the man that told you, the money broker?—A. No sir; not the money man. It was another man on the street. I believe he was a Swede.

Q. Spoke English?—A. Yes sir; he spoke English.

Q. What did he say to you?—A. He said, "You fellows had better look out for yourselves, or there might be some trouble between you and the Chileans". He said the Chileans were laying for us.

Q. Did he know you belonged to the "Baltimore"?—A. Yes sir; he knew I belonged to the "Baltimore"; I had on the uniform. But I didn't take any notice of him. I walked off uptown.

Q. What was your condition as to sobriety all the time you were on shore there?—A. I was sober all the time, sir.

Q. Did you see any of the crew of the "Baltimore" under the influence of liquor there that day?—A. No sir; every one I saw was sober.

Q. Every one of them?—A. Yes sir.

Q. Did you at any time in Valparaiso to any person express your approval of the action of the police there on that occasion?—A. No sir.

(Sgd.)

PETER JOHNSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Peter Johnson, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
 Northern District of California.*

DEPOSITION OF FRANK BORSTEL.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California; on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Frank Borstel, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

FRANK BORSTEL, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is Frank Borstel; I am seaman apprentice, first class; stationed on board the U. S. S. "Baltimore".

Q. What is your age?—A. I will be 21 next October, sir.

Q. Were you serving on board the U. S. S. "Baltimore", when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other member of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore there at Valparaiso that day, between Chilean sailors, or others, and members of the crew of the "Baltimore" who were on liberty?—A. No sir; I didn't see any trouble. But just as soon as I landed, I went up the Mole, and a man spoke to me, a stranger to me.

Q. On the Mole?—A. Yes, sir; right on the mole.

Q. You say a stranger spoke to you?—A. Yes sir; he said it would be best for you to stop aboard. I said, "How is that"? He said, "There is going to be some trouble here." I said, "I don't suppose they will interfere with us if we keep to ourselves"; and he said, "Yes. I have heard them talking about laying for the American blue jackets."

Q. Who was this man?—A. He was a stranger to me. He seemed to be a European.

Q. He spoke English?—A. Yes sir; he spoke English. He said they were laying for us.

Q. Laying for who? Who did he mean?—A. He meant that the Chileans were laying for us.

Q. And on that account he advised you not to go ashore?—A. Yes sir.

Q. Who were with you?—A. There was McElwaine and Daug.

Q. Go on.—A. I went ashore, and I went up to a place—I don't know the name of the street; and the three of us got horses there and went out riding; and we came back about five o'clock; and we had some supper. We came back about five o'clock from the horseback ride, and we had some supper; and we met McBride up town.

Q. Who is McBride?—A. He is a fireman or oiler on the "Baltimore." We met McBride of the "Baltimore" up there, and he told us he was going down town; and I told him not to go; I told him I heard there was going to be some trouble.

Q. What part of town were you in then?—A. Up above the Plaza Victoria. We walked down a way, and he said he was going to the Mole; he didn't think anything would happen.

Q. Did you go?—A. No sir; I went up town, and went and had a game of billiards up there, and stayed there all night.

Q. When did you return to the ship?—A. I returned to the ship the next day.

Q. You didn't see any disturbance or fighting?—A. No sir. The morning I came down there, before I came aboard, I was all alone. The other fellows had left me then.

Q. That was the next morning?—A. Yes sir. The next morning before I went aboard the ship, I met a gang of Chileans.

Q. What did they do?—A. I was having my shoes shined, and there was a gang of Chileans came up to me, and asked me if I was an American.

Q. Were you in uniform?—A. Yes sir.

Q. Were you in your uniform all the day before?—A. Yes sir.

Q. What did you say to them when they asked you that?—A. I didn't answer them. They looked at me a little while, and they walked away.

Q. That is all that happened there?—A. Yes sir.

Q. You returned to the ship?—A. Yes sir.

Q. Did you have any arms, knives or anything of that kind about you?—A. No sir.

Q. Did the other members of the crew of the "Baltimore" to your knowledge, have any arms or weapons of any kind?—A. No sir.

Q. Were they all in uniform?—A. Yes sir; they were all in uniform.

Q. What was your condition as to sobriety that day during the time you were ashore?—A. I am not a drinking man. I have not been down for drinking yet.

Q. What was your condition that day, as to sobriety?—A. I was sober.

Q. What was the condition of the others?—A. They were all sober.

Q. Did you at any time in Valparaiso, to any person there, express your approval of the action of the police there on that occasion?—A. No sir.

(Sgd.)

FRANK BORSTEL.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify

that Frank Borstel, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM CAULFIELD.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William Caulfield, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

WILLIAM CAULFIELD, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is William Caulfield; I am a private marine, stationed on the "U. S. S. Baltimore."

Q. What is your age?—A. I am 24 years of age, sir.

Q. Were you attached to the U. S. S. "Baltimore" in October last, when that vessel was at Valparaiso, Chile?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso, between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty?—A. Not until I got wounded myself.

Q. Do you know of any difficulty?—A. Yes sir; I was wounded myself.

Q. Now state all the facts and circumstances within your knowledge, relating to any such difficulty or disturbance that occurred there. Just state what you know?—A. Well, sir, I was in a saloon; myself and Lacey and Clifford.

Q. What time did you go ashore?—A. I went ashore at one o'clock, sir. I arrived on the landing about half past one o'clock in the afternoon of the 16th of October last. We were up in a saloon by the name of Riley's.

Q. Up at Riley's saloon?—A. Yes sir; we were there, to the best of my recollection, about half an hour or so. We left there, and we went away from there about four hundred yards, up to a place that is at the back—as far as I can recollect, there was a house by the name of "The Home of the Free." We were in at the back of that house. We were in there taking a drink; and Lacey and Clifford went out to the back yard.

Q. What were you drinking?—A. I had a glass of beer in front of me. The other two didn't drink anything at this time.

Q. They were out in the yard?—A. Yes sir; and I was standing at the counter waiting until they came in. I heard some racket outside, and I didn't know who it was with. I rushed to the door, and I saw two of our men, and the mob were after firing stones at them. I don't know whether they got struck or not.

Q. Who were firing stones at them?—A. The Chileans were.

Q. The Chileans were firing stones at two of your men?—A. Of our fellows. And one of them stooped; one of our fellows did, and I thought he got struck. That was Talbot. He ran away.

Q. This was out in front of the saloon, was it?—A. Yes sir; this was right in front of the saloon that I was in.

Q. Do you know the name of the saloon?—A. No sir, I don't know the name of the saloon.

Q. Was it the "True Blue"?—A. I don't know whether it was or not. I am not sure what the name of the saloon was.

Q. Go on. Do you think it was Talbot who was running away?—A. Yes sir. It was Talbot.

Q. Were the Chileans pursuing him?—A. Yes sir.

Q. What were they doing?—A. They were firing stones after him.

Q. How many of them were there?—A. To the best of my knowledge there was about thirty of them at this time.

Q. Where was the other man? Did you see the other man?—A. The other man was drinking. He was running also; both of them were running.

Q. Which way were they running?—A. They were running down towards Riley's, where we were after coming from; down the street. I went in, and I told the proprietor of the house that there was a row out there between some of our fellows and the Chileans.

Q. Have you any idea what time that was?—A. I think that was between three and four o'clock. We were about two hours ashore then.

Q. You are not sure about the time?—A. I am not sure about the time, sir.

Q. Go on.—A. Well, I went in and I told Clifford and Lacey that there was a row outside, and I says, "We had better stay here".

Q. You told Clifford and Lacey that. Did they belong to the "Baltimore"?—A. They belong to the "Baltimore." One of them is a marine. They looked at me; and I says, "there is no use in us going. We may get hurt." And we turned back, and went upstairs over this saloon.

Q. This was in Riley's saloon?—A. No sir; I don't know what the name of this man's saloon was. He was an Englishman. I had never been there before. We went upstairs, and we stayed in the room for about half an hour, or a little over. The three of us were standing there, and thinking of how we would get out; and this man came up and told us what the crowd were doing. There was a whole crowd outside then.

Q. Were they making any noise?—A. Yes sir.

Q. Were they trying to get in?—A. Yes sir.

Q. What were they trying to get in for?—A. They heard some of us fellows were in there. We were not in the row at all; we just saw it from the saloon. After they had all dispersed, the three of us went down, and we stayed in the saloon for about a minute; and the proprietor said, "It is good for you fellows to skin now."

Q. He said, it is good for you to do what?—A. To go away. So we

went out, and we were about twenty yards down the street, and we met a citizen who told us for God's sake to go back; that some of our fellows were after getting hurt down there, and if we went down the mob would kill us. We didn't mind him; we passed on about five yards, and we turned back with this citizen.

Q. He spoke English, did he?—A. Yes sir; he was either an Englishman or an American.

Q. Was he friendly disposed towards you?—A. Yes; he was friendly towards us. We turned back with him, and we went around another street; and we had not gone a hundred yards before we met a crowd, and the minute they saw us they commenced to holler out, "Americano, son of a bitch;" that is what they said. And they came up, spitting in my face almost; and I didn't mind them. I walked on through the crowd. And then there was a stone fired, and it went right by my head; and I didn't mind that. In a minute I looked back, and I saw Lacey knocked down with the blow of another stone, and Clifford said, "it is better we run, or we will get killed;" and I said, "it is better for us; Lacey is on the ground." We had no chance with the crowd anyway.

Q. Had Lacey been knocked down?—A. Yes sir; and I started to run, and I got a blow in the calf of the leg from a stone thrown by the Chileans.

Q. Were they following you?—A. Yes sir; just after we went through them, they turned back after us.

Q. What were you doing?—A. We were trying to escape down to the heart of the city. This was a back street.

Q. This stone struck you on the calf of the leg?—A. Yes sir.

Q. Did it disable you?—A. Not at the time. I was in too much of a fright. The crowd was coming along, and I didn't stop running. I ran for three or four hundred yards, and I ran into the Victoria Hotel; and then I felt it, and I had to go up and go to bed. My leg commenced swelling.

Q. What was it that hit you?—A. It was a stone, sir.

Q. How did Clifford come out?—A. He got out safe at that time; he was not struck then. The next day he got hurt.

Q. Then where did you go?—A. I went to the Victoria Hotel, and I stopped there all night.

Q. When did you go aboard ship?—A. I got aboard ship the next morning, between ten and eleven o'clock, sir. I walked down; it was as much as I could do.

Q. You didn't see any other difficulty?—A. No sir; that was all I saw.

Q. Were you in uniform that day?—A. Yes sir.

Q. Were the others in uniform?—A. Yes sir; the three of us were in uniform.

Q. Did your uniform attract as much attention as the others, as the uniform of the sailors; do you think?—A. I guess they knew ours, as well as the sailors.

Q. Were you separated from the sailors?—A. I was about five yards away from Clifford, to the right; Clifford was away from me. And Lacey was two or three yards from him. The three of us were going abreast.

Q. You were never separated a greater distance than that?—A. No sir.

Q. You were with them when the mob approached you?—A. Yes sir; the three of us were right together.

Q. The others were in uniform, were they?—A. Yes sir.

Q. Did you have any warning prior to going ashore that trouble might be expected if you went ashore?—A. No sir.

Q. What was your condition as to sobriety on that occasion?—A. I was as sober as I am now, sir.

Q. What was the condition of the other two as to sobriety?—A. They were sober, sir; the three of us were sober. We had about three drinks each; that was as much as we had.

Q. What was it that you were drinking?—A. All beer. I drink nothing else.

Q. Had you any arms or weapons of any kind about you?—A. No weapons of any kind, sir.

Q. Had any of the others any weapons of any kind, to your knowledge?—A. No sir; not to my knowledge.

Q. Did you at any time at Valparaiso, to any person, express your approval of the action of the police there on that occasion?—A. No sir.
(Sgd.) WILLIAM CAULFIELD.

UNITED STATES OF AMERICA,

State and Northern District of California, ss.

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William Caulfield the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF FREDERICK CLIFFORD.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Frederick Clifford, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

FREDERICK CLIFFORD, having been duly sworn, testified as follows:

THE JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. Frederick Clifford; drummer on board the U. S. S. "Baltimore."

Q. What is your age?—A. I am 23 years of age.

Q. Were you attached to the U. S. S. "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with the other members of the crew of the "Baltimore" at Valparaiso, on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore at Valparaiso that day, between Chilean sailors or others, and members of the crew of the U. S. S. "Baltimore" who were there on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to any such disturbance or difficulty.—A. I went ashore with the liberty party about one o'clock on the 16th of last October; and we went to Riley's saloon, I think, first; Lacey, Caulfield and myself. We went into a couple of saloons, and while we were in one, there was a row occurred outside.

Q. Which saloon were you in at the time? Was that after you left Riley's saloon?—A. Yes sir; that was after we left Riley's saloon.

Q. This saloon that you were in at the time was not Riley's?—A. No sir. It was somewhere in the vicinity of the Victoria Hotel.

Q. Go on.—A. The man whose place it was, closed his shop up. We looked out of the door and saw a lot of Chilean sailors running a couple of American sailors.

Q. Chasing them?—A. Yes sir. They were running after them and firing bricks after them. The man closed the place up, and kept us in there for half an hour; and we went out, and they attacked us.

Q. Who attacked you?—A. The Chilean sailors and citizens.

Q. How did they attack you?—A. They attacked us with stones and bricks.

Q. Throwing them at you?—A. Yes sir.

Q. Had you interfered with them in any way before this?—A. No sir.

Q. Did you say anything to them?—A. No sir. We were told about it, and we tried to get out of the way.

Q. They attacked you without any offense on your part?—A. Yes sir.

Q. Go on.—A. Lacey was knocked in the head, and knocked down, and Caulfield was struck in the leg.

Q. Go on.—A. We escaped and went down to the Hotel Victoria.

Q. Did they hit you?—A. No sir; not at that time. The next day I was struck. We went to the Hotel Victoria, and slept there all night. And we went together the next day to the Mole, and some Chilean sailor there kicked me in the face.

Q. What had you said to him?—A. Nothing at all. There was a row previous to that. I was getting in to the last boat.

Q. You were all in uniform were you, that day?—A. Yes sir.

Q. Were you with these other two men all day; did you get separated from them?—A. We got separated. Lacey was taken to the hospital.

Q. I mean prior to that, were you together all day?—A. Yes sir; we were together all the time.

Q. What time was it when you got back to the ship?—A. It was the next day; it was some time in the afternoon of the next day that I got back to the ship.

Q. Had you any arms or weapons of any kind, or a knife, about you?—A. No sir, I had nothing about me.

Q. Had the other two?—A. I didn't see any, sir. If they had them I didn't see them.

Q. Were they in uniform?—A. Yes sir.

Q. All of you were in uniform, were you?—A. Yes sir.

Q. What was this mob you speak of?—A. What were they? They were mixed up of everything; citizens, soldiers, sailors and policemen.

Q. Did you see any policemen in the mob?—A. Yes sir. The night we were running there were policemen standing around, and they didn't interfere at all.

Q. Were they armed?—A. Yes sir.

Q. Do I understand you to say that the policemen stood around, and allowed the mob to chase you through the streets without interfering?—A. Yes sir.

Q. They didn't offer to interfere with them, or try to stop them?—A. No sir.

Q. They made no interference at all?—A. No sir.

Q. How many policemen did you see, about?—A. I couldn't tell you. I was frightened at the time, and running.

Q. Did you have any warning, except what you heard at the saloon?—A. Only when we passed by the Chilean ships.

Q. When you were going ashore?—A. Yes sir.

Q. What was that?—A. Some of them shook their fists out of the ports of the "Esmeralda" at us.

Q. The Chilean sailors?—A. Yes sir. And we expected when we got a day ashore, they would be waiting for us.

Q. What was your condition as to sobriety on that day?—A. I was sober.

Q. What was the condition of the other members of the crew of the "Baltimore" whom you saw that day on shore, as to sobriety?—A. Well, they all seemed to be sober. I think they intended to keep sober.

Q. Did you see any of the crew who appeared to be drinking, any members of the crew of the "Baltimore" who appeared to be drinking on shore that day?—A. No sir.

Q. Did you at any time in Valparaiso, to any person there, express your approval of the action of the police on that occasion?—A. No sir.
(Sgd.) FREDERICK CLIFFORD.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Frederick Clifford, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In Witness Whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN JOSEPH BECHTELE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and-qualified, personally appeared John Joseph

Bechtele, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

JOHN JOSEPH BECHTELE, having duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. John Joseph Bechtele; seaman apprentice, U. S. S. "Baltimore".

Q. What is your age?—A. My age is 21 years, the 18th of December last.

Q. Were you attached to the "U. S. S. Baltimore" when she was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on shore with other members of the crew of the "Baltimore" on liberty at Valparaiso, on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore that day at Valparaiso, between Chilean sailors or others, and the members of the crew of the "Baltimore" who were on liberty there?—A. Yes sir, I do.

Q. State all the facts and circumstances within your knowledge, relating to any such disturbances or difficulties there?—A. Well, sir, I was in a bar there.

Q. Just begin from the time you left the ship.—A. Well, sir I left the ship about half-past one o'clock in the afternoon; and the only thing occurred of any importance was that some Chilean sailors in the stern port of the "Esmeralda" shook their fists at us, as we were going ashore.

Q. Had you any personal acquaintance with them?—A. No sir; none at all. There was Sullivan, Canning, Christie, Quigley, and myself went up to a barber shop.

Q. Who were those men; members of the crew of the "Baltimore"?—A. Yes sir; they were members of the crew of the "Baltimore." We couldn't all stay in the barber shop, so it was proposed that we should go into a saloon and wait there, until these two men got through with the barber. When they got through with the barber, we went up town to see the show that was in town that night; an English Opera Company. From there we came back again. I can't recall to mind what happened after that; but it was not of any consequence. We went up to the south end of town.

Q. You mean the lighthouse end?—A. Yes sir.

Q. That was the north end, according to the chart?—A. Yes sir.

Q. Where did you go?—A. Just about up here, sir; just about this part of town here. (Showing on diagram.)

Q. That is about where Peter Nelson's house is?—A. I don't know where Nelson's house is.

Q. You pointed to the neighborhood of the Plaza Echaurre?—A. Yes sir. On the way up there, in front of a dance hall called the "Shakespeare," we saw Turnbull, this man that died, talking to two citizens. I believe he was in their company.

Q. Out on the street?—A. Yes sir. We tried to enter the "Shakespeare", but it was shut up. From there we went up this street here. (Showing on diagram.)

Q. Did Turnbull go with you?—A. No sir; he didn't go with us.

Q. You went up the street?—A. Yes sir; and we went in there and took a drink.

Q. You went in where?—A. We went into a bar there.

Q. What do they call it?—A. I don't know the name of the place.

Q. Would you know it if you heard it?—A. No sir, I would not. I

never heard any name to that place. From there we went down to a restaurant that a Chinaman keeps, and we had supper there.

Q. Was that right in that neighborhood?—A. It was in the neighborhood of the Park. The Park is about here, (showing); and the Chinaman's was situated right here. It is a hotel. I made arrangements to sleep there that night. We went further on down to the bar—I forget the name of it—and we stayed in there for a few minutes, and a man named Carson came running to the door, and he said, "For God's sake boys, come out, some men are getting killed down there." Alex. Stewart was there, and he rushed out.

Q. Did he belong to the "Baltimore"?—A. Yes sir. I rushed out, and being a better runner, I passed him; got down there ahead of him. And I saw a crowd of people hollering, and I saw one fellow stoop to pick up a cobblestone, and I hit him and I knocked him over.

Q. Where was this?—A. This was down near the Mole, just below the Statue. I stood near the cobblestone so nobody could get hold of it. I looked around and I saw Gillan and Stewart. And there was a man threw a bone at me, and I picked that up to hit anybody with if they came for me.

Q. Was there much of a crowd there?—A. No sir; not just where I was, but there was on the other side of the square. I worked my way down, and the crowd dispersed where I was. And there were two Germans standing there; and one said, "Go aboard the ship"; and the other said, "Yes, go aboard the ship". I had a bone in my hand; and they took the bone out of my hand and threw it overboard. And one of these men said, "My God, they will kill that man"; and I looked around and I saw Davidson. He is a landsman aboard the ship.

Q. He was down there by the Mole?—A. Yes sir. And he came running around the corner in this fashion, (showing), with his head down; and he was covered with blood. There had been a fire around there, and these Chileans had charred pieces of lumber in their hands, and they could stand at a distance and keep hitting him on the head.

Q. You didn't see any Chilean sailors?—A. No, sir; they were all citizens. Davidson kept running, and they were chasing him up, and twenty or thirty hitting him.

Q. Was he trying to escape?—A. Yes sir. They were hitting him with poles, and he was trying to escape. I walked down to the Mole, and there were a lot of boats there, and I went up to a boatman, and I said, "You sabe?" And I had a sovereign in my hand, and he said, "No. You American son of a bitch." And I went to every one of them; and I saw there was no show there to get aboard, and I came back up the Mole pretty quick, and I had got up almost a block, and I was crossing the street, and a boy came up to me, I couldn't say whether he was a Chilean or not, and he said, "Hotel?" And I said, "Yes." As soon as I got around the corner I ran, made a cut across the street right into the hotel called the "Oriental"; I think that was the name of it. That was about six o'clock. And I didn't see anybody in there that I knew, and I paid a Chilean dollar and a half for a bed, and I gave the boy a half a dollar. I didn't know what it meant by him bringing me there. I stayed there all night, and I left there about half-past nine the next morning. When I went below, I met Jim Shields, the ship's cook, and Gustavson, the ship's corporal.

Q. Was the trouble all over?—A. Yes, sir; to all appearances.

Q. What about these men; Shields and Gustavson?—A. I saw them down in this hotel. Shields had stayed there all night, I believe.

Q. What did you do then? Did you go aboard ship?—A. No sir;

didn't go aboard ship then. The three of us walked up and down in the direction of the Plaza Victoria. There was a bar there, and we went in there and stayed there all the forenoon. After that there were two or three of us walked around together.

Q. Were you disturbed any?—A. No sir; not after that.

Q. Did you have any more trouble?—A. No sir.

Q. When did you go aboard ship?—A. When liberty was up; about three o'clock.

Q. When you met this crowd it was about six o'clock in the evening?—A. Yes sir, it was just about six o'clock in the evening.

Q. Did you see any knives or weapons in the crowd?—A. No sir; I can't say that I saw any knives. I saw stones.

Q. What were they throwing?—A. They were throwing cobblestones and pieces of planks.

Q. Did they cry out at you?—A. Yes sir; they cried out at us.

Q. What did they say?—A. They were speaking in Spanish; I could not recall the words.

Q. Did you have any arms or weapons about you?—A. No sir.

Q. Did the other men who were with you?—A. No sir; not that I am aware of.

Q. Were they all in uniform?—A. Yes sir.

Q. Were you in uniform?—A. Yes sir.

Q. Did you have any warning that there was going to be trouble when you went ashore?—A. No sir; except the man on the Mole said something in Spanish that ended up "Yankee."

Q. What was your condition as to sobriety at that time?—A. I was sober, sir.

Q. What was the condition of the others as to sobriety?—A. Everybody was sober, as far as I could see and judge; every one of our men.

Q. What was the condition of the other members of the crew of the "Baltimore" that you did see on shore there that day, as to sobriety?—A. Everybody I ran in contact with there on shore, of the ship's company, was sober.

Q. Did you at any time in Valparaiso, to any person, express your approval of the action of the police there that day?—A. No sir, I did not.

Q. Were you wounded?—A. No sir; I was not.

Q. Were you bruised at all?—A. No sir; I have not got a mark on me.

(Sgd.)

J. J. BECHTLE.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John Joseph Bechtele, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In Witness Whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOSEPH QUIGLEY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Joseph Quigley, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

JOSEPH QUIGLEY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. My name is Joseph Quigley; I am coalheaver on the U. S. S. "Baltimore".

Q. What is your age?—A. 29 years.

Q. Were you attached to the U. S. S. "Baltimore" when she was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty at Valparaiso, on the 16th of October last, with other members of the crew of the "Baltimore"?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore that day at Valparaiso, between the Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relative to any such disturbances or difficulties? Commence from the time you left the ship?—A. We left the ship about half past one o'clock in the afternoon. I was in the steam launch. After we got on the Mole, Canning and I and Sullivan, and Bechtele and Christie were together, of the ship's company. Canning and I went to a barber's shop together, and left Sullivan, Christie and Bechtele in the saloon until we came back; we left them in the saloon until we came back from getting shaved. After Canning and I came back, we joined Sullivan, Bechtele and Christie, and walked down Calle Blanco, as far as the Plaza Victoria. That is the name of the street facing the Mole, Calle Blanco. We then came back from there, and walked up towards the "Shakespeare"; and up towards the "Shakespeare" we met Riggins, Talbot, Davidson and Downey.

Q. About what time was that?—A. I just happened to look at a clock, and I think it was about a quarter after four, but could not be sure of it.

Q. It was about quarter past four when you met them?—A. Yes sir; that is my recollection.

Q. Where did you say you met them?—A. Up near the Shakespeare.

Q. Outside?—A. Yes sir. And we were talking there together, and they wanted to go and have a drink; but we turned around, and went back again up the hill; that is all of us except Riggins and Talbot, and came down to Calle Blanco again. And we were in a place there, and while we were there, Carson came running up and told us to come down on the Mole; that some of our men were being killed. And I ran down, and took after Sullivan; and when we got to the Mole, we saw a crowd struggling there; and we broke into the crowd and we saw it was Davidson, and we managed to get him on his feet.

Q. What was the matter with him?—A. These people were kicking him and beating him.

Q. About how many people were there?—A. I should judge there was fully a hundred or two hundred.

Q. What were they?—A. They were mostly citizens, and I saw a sprinkling of police. I saw soldiers in uniform.

Q. Did you see any arms there in the crowd?—A. No sir; I didn't notice any arms. We went then and fought our way into the crowd, and got Davidson on his feet; and like a flash we were separated, and it was each man for himself. So I was struggling for all I was worth, and trying to get out of it; and on the outskirts of the crowd, I saw a commissioned officer. I could tell he was a commissioned officer by his uniform, and the knot on his left shoulder. He had a naked sword in his hand, and the scabbard was bright steel; it looked like that. And he was running on the outskirts of the mob. I was fighting my way through the mob, and I finally did break through. And he was standing there with his sword, as I thought, with the intention of running me through; and I grabbed it; and then I was knocked on the side of the head with a cobblestone.

Q. By a cobblestone thrown by the mob?—A. Yes sir; I was knocked down. That was near this monument of Captain Pratt's, I believe. I didn't come to my senses again, until it was dark.

Q. Wasn't it almost dark then?—A. Yes sir; it was just about dusk when we ran down there.

Q. About what time was it?—A. I should judge it was about six, or a quarter to six o'clock. And there was some man picked me up, who claimed to be an American citizen. My cap was gone, and I was bleeding and bruised over the body. And he took me into the Pacific Hotel on the Calle Blanco, and he went out and got me a citizen's hat, and put me in a coach, and took me to the apothecary's, and I went to a hotel and stayed there all night. In the morning I went to buy a new cap, and I was warned that they were waiting for us on the Mole to have another row with us before we went to the ship.

Q. Did you see any further row?—A. No sir, I didn't see any further row after that.

Q. Where were you wounded?—A. I was wounded on the hand, sir. This hand was sprained.

Q. What with?—A. I couldn't tell you what it was with. I suppose I kept on fighting. I couldn't tell you what it was. But there is a scar here on the back of the hand yet. And I had a blow on the head, and I was bruised about the body.

Q. How many men did this crowd have at the time you saw them?—A. Only one, sir; Davidson.

Q. They were not fighting among each other?—A. No sir. They were all struggling and trying to kick him.

Q. You were in uniform?—A. Yes sir.

Q. And Davidson was in uniform?—A. Yes sir; we were all in uniform.

Q. And they were all trying to kick this one man, Davidson?—A. Yes sir.

Q. Had you any arms, knives or weapons about you?—A. No sir.

Q. Did the other members of the crew of the "Baltimore" who were with you, have any?—A. No sir.

Q. They were all in uniform, were they?—A. Yes sir.

Q. What was your condition as to sobriety at that time?—A. I was perfectly sober. I had only two glasses of beer all day. We stayed in one place, in the Plaza Victoria.

Q. What was the condition of the other members of the crew of the

"Baltimore" that you saw on shore that day, as to sobriety?—A. Every one of them was perfectly sober, in my opinion. They didn't have time to get intoxicated.

Q. Did you at any time, to any person there at Valparaiso express your approval of the action of the police on that occasion?—A. No sir.
(Sgd.) JOSEPH QUIGLEY.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Joseph Quigley, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF GEORGE PANTER.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared George Panter, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

GEORGE PANTER, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. George Panter; coal-heaver, U. S. S. "Baltimore".

Q. Were you attached to the U. S. S. "Baltimore" when she was at Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulties or disturbances that occurred on shore that day at Valparaiso between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty there?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to any such difficulties or disturbances. Commence from the time you left the ship. What time did you leave the ship?—A. I left the ship at one o'clock, I believe.

Q. Go on.—A. About somewhere towards seven o'clock in the evening I fetched up in the locality of the "Shakespeare".

Q. What did you do when you first got ashore?—A. I went and

strolled around, called at different places, in the best part of the city, in the afternoon. Towards nightfall, I managed to fetch up in the "Shakespeare" locality there, the water side of the town.

Q. At what time?—A. Between six and seven o'clock.

Q. You didn't see any trouble before that?—A. No sir; none at all, before that.

Q. Then what occurred?—A. I was in the saloon, and some Chilean who could speak English put his head inside the door and said some of our men were getting hurt.

Q. Do you know the name of that saloon?—A. No sir; I don't know the name of that saloon.

Q. It was near the "Shakespeare"?—A. Yes sir; it was in that neighborhood, but it was not the Shakespeare. A Chilean stuck his head in and said something.

Q. Could he speak English?—A. Yes sir; he could speak English. I took him to be a Chilean. I went into the adjoining street, and saw Riffin, with Johnson holding him.

Q. Who did you see?—A. Riffin, the man who was shot.

Q. You saw Johnson holding Riffin?—A. Yes sir. Riffin was in a kind of kneeling position; and Johnson was holding him up.

Q. Where were they then?—A. They were in the roadway; not on the sidewalk at all.

Q. What was Johnson doing there?—A. He was holding Riffin up there. It seemed as if he had been giving him something to drink. I told him I would try to get a crowd to carry Riffin to a drugstore. I went back to the saloon and shouted to them; and then I went in the same direction where I left Riffin, and I was tackled by a crowd at the corner of the street.

Q. You were tackled by what kind of a crowd?—A. They were a mixed crowd. It seemed like there were sailors and citizens all mixed up together.

Q. Were they Chileans?—A. Yes sir.

Q. Were any of them in uniform?—A. I couldn't say about that; whether there were any in uniform or not. They all appeared to have working clothes on.

Q. What did they do?—A. There were some uniformed men further down the street.

Q. What did this crowd do?—A. They came to me with big knives and got hold of me in all directions, and said "Americano's money"; one fellow did.

Q. Did he have his knife in his hand?—A. He had his knife close to my face. They all had knives.

Q. And asked for money?—A. He said, "Americano's money"; that is what he said. I punched him and knocked him down, and I skinned down the street. I saw all the knives, and I knew I couldn't do any good.

Q. Did they pursue you?—A. Yes sir; they followed me up and knocked me down with a rock.

Q. Where were you then?—A. I was in the street where the tram car runs; there were lots of loose rocks down there.

Q. They knocked you down?—A. Yes sir; they knocked me down; and I got up and managed to beat my way through to a barroom.

Q. How many were there?—A. There were more joining in the crowd, until there were hundreds.

Q. They were chasing you, running after you?—A. I couldn't say

who they were chasing up other streets. They were chasing me down that street.

Q. Did you go back where Riggins was?—A. No sir, I made a break for a barroom. I thought I would be safe in a barroom.

Q. You went in there to escape the crowd?—A. Yes sir.

Q. It was in that same neighborhood?—A. Yes sir; it was in the street where the cars were. The proprietor of the place told me to get out of that as soon as I could, or he would throw me out.

Q. Who told you that?—A. The proprietor of the barroom. And a crowd of beachcombers were going to seize me; they made towards me, and I snatched a bottle, and I ran outside. The crowd was waiting for me at the door.

Q. You grabbed a bottle?—A. Yes, sir.

Q. Did they attack you when you went out?—A. Yes sir; I got stabbed behind the ear.

Q. With a knife?—A. Either with a knife, or a sharp rock.

Q. Were you disabled for duty afterwards, on account of this?—A. Yes sir.

Q. For how long?—A. 26 days.

Q. On the sick list for 26 days?—A. I was up at the hospital that same night.

Q. At Valparaiso?—A. Yes sir.

Q. Where did they put you in the hospital; in what ward?—A. I was in the ward along with Davidson, Turnbull and the others.

Q. What ward was it?—A. It was the prisoner's ward, sir. The policemen snatched me away from those people; and the next thing I found myself in a cell.

Q. You were unconscious, then, as I understand you?—A. Yes sir; after I was struck with whatever it was that struck me behind the ear.

Q. Did you have any other wounds?—A. I had a cut on my knee, and two of my teeth were knocked out.

Q. By this crowd?—A. Yes sir.

Q. When the crowd first made an attack upon you, had you said anything to the crowd at all?—A. No sir.

Q. Had you molested anybody?—A. No sir; I had not spoken to any Chileans at all.

Q. You were pursued along the street?—A. Yes sir; I was in a barroom at the time they told me Riggins was being knocked down.

Q. You were not in a barroom when they attacked you?—A. No sir; I was going back to Riggins; and they caught me at the corner of the street leading to where Riggins was lying.

Q. And attacked you?—A. Yes sir.

Q. After you received this blow, you knew nothing then, as I understand you, until you woke up in the hospital?—A. No sir; I didn't say that. I was carried, and I woke up when they were carrying me. I thought I was going to get dumped in the water, but they took me to the police station. Then I made a kick on account of bleeding so much; and they put me in a hack, and called at another station and took in Talbot and Hamilton, and took us all three to the hospital.

Q. How long were you ashore there afterwards?—A. We were in the hospital until Tuesday, sir.

Q. About how long was it; how many days?—A. About four days; we came away on the fourth day.

Q. Did you have any weapons or arms, or a knife or anything of the kind about you on that occasion?—A. No sir.

Q. Did either of the others, to your knowledge, have any weapons

or knives; any of the men that were with you?—A. No sir; I didn't see any of them with knives.

Q. You were in uniform, were you?—A. Yes sir.

Q. Were they in uniform?—A. The remainder of the sailors; my comrades?

Q. Yes sir?—A. Yes sir; they were all in uniform.

Q. Did you have any warning, prior to, or after landing, that you might expect to be attacked by the Chilean sailors?—A. Yes sir; we were told by a saloon-keeper's wife to be very careful of these people; that they had it in for us. That was Mrs. Riley.

Q. That was that evening?—A. Yes sir.

Q. Were you told anything prior to that?—A. No sir.

Q. What was your condition as to sobriety that day?—A. I was sober. I had a few drinks, but I was sober.

Q. What did you drink?—A. I drank beer.

Q. What was the condition of the other members of the crew that were with you, as to sobriety; those that were on shore that day?—A. Pretty fair, sir. I didn't see any one drunk.

Q. Did you at any time at Valparaiso, to any person there, express your approval of the action of the police on that occasion?—A. No sir; I never spoke to any one about it. No one ever asked me about them. I never spoke to any one about the police.

(Sgd.)

GEORGE PANTER.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that George Panter, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand, this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM SULLIVAN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William Sullivan, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

WILLIAM SULLIVAN, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. My name is William Sullivan; I am oiler on the U. S. S. "Baltimore."

Q. What is your age?—A. 30 years old.

Q. Were you attached to the "Baltimore" in October last, when she was at Valparaiso, Chile?—A. Yes sir.

Q. Did you go on shore on liberty from that vessel with other members of the crew at Valparaiso, on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore that day at Valparaiso between Chilean sailors or others, and members of the crew of the "Baltimore" who were there on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to any such difficulties or disturbances.—A. When I went ashore, Quigley, Canning and Bechtele were with me. I went up Calle Cochran, I think that was the name of the street; and went into a barber shop and had a shave. From there we went up to the English Opera Company, and from there came down Calle Cochran again; and I met William Turnbull, and I asked him where he was going; and he said he was going to meet a shipmate of his. There was a gentleman stopped us and told us to look out for ourselves.

Q. What was he, an American?—A. No sir; he said he was captain of an English bark. He said to beware of ourselves, especially after dark. He said the Chileans were all down on the Americans, and therefore we had to look out for ourselves. And I went down to the corner, to the Dublin House, just below the Exchange, and a man said to me, "There is one of your shipmates getting murdered." This was about half past five; between half past five and six.

Q. This was up in the neighborhood of what place?—A. Calle Cochran; the Dublin house, close towards the Mole. I went in and sung out to the rest of the men that were in the barroom, Carson, Stewart, Quigley, Christie, and Canning; and we went down to the Mole.

Q. Did they go with you?—A. Yes sir; they followed me. The first man I saw was Davidson, with a man wearing a soldier's uniform standing over the top of him, kicking him.

Q. Did this soldier have any arms?—A. No sir; he had a knife; and he was using his feet. And Davidson was lying on the flat of his back; and I made for Davidson, and I got him on his feet; and I got knocked down.

Q. You got knocked down by this same man?—A. No sir; by the mob. And I managed to get on my feet, and went towards the monument, and an officer came down and locked me up, and I was kept there until five days afterwards, when I went aboard ship.

Q. What was this crowd composed of?—A. It was composed principally of citizens. I saw one or two soldiers among them.

Q. What were they doing?—A. Firing stones, as far as I could see.

Q. Who else were they attacking, besides the crew of the "Baltimore"?—A. No one but ourselves, and the members of the crew of the "Baltimore".

Q. Do you mean that the attack was confined to the crew of the "Baltimore" on the Mole there?—A. Yes sir.

Q. Were these men, Davidson and others, to whom you refer, in uniform at the time?—A. Yes sir.

Q. And you were in uniform?—A. Yes sir, all the time.

Q. Did you receive any injuries?—A. One, sir; just over the left eye.

Q. What did that?—A. A stone.

Q. A stone by this mob?—A. Yes sir; that was done after I was in the hands of the police.

Q. How did the police treat you?—A. They treated me all right, as far as the handling part of it was concerned. I was five days locked up in the prison and kept there. The judge of the court, where they took me in the next morning, acknowledged himself that they expected this row. He acknowledged that in the courtroom. He said, "If you didn't expect this row, we did".

Q. Who was he talking to?—A. He was addressing the ten men who were in there that time. He spoke it through the interpreter.

Q. Had you any arms or weapons about you at the time?—A. No, sir; none whatsoever.

Q. Did any of the men to whom you have referred, of the "Baltimore" crew, have any arms or weapons of any kind?—A. Nothing that I saw whatsoever, sir.

Q. Did you have any warning with reference to this probable attack on shore?—A. Yes, sir. A German who kept a saloon there, whom I used to deal with when I was caterer of the mess; he warned me.

Q. What did he say?—A. He told me to look out for ourselves; that they were laying around for us.

Q. Who did he refer to?—A. The Chilean citizens and soldiers.

Q. Did he say they were laying for you?—A. Yes sir; that is what he told me.

Q. That is on the same day you went ashore?—A. Yes, sir.

Q. About what time?—A. About half past two o'clock.

Q. Had you heard anything prior to that about such attack?—A. No, sir.

Q. What was your condition on that day, as to sobriety?—A. I had two drinks; two glasses of beer.

Q. What was the condition of the other members of the crew of the "Baltimore" that you saw that day, as to sobriety?—A. Well, the four that were with me were just the same as I was. We were all sober.

Q. Did you at any time in Valparaíso, or to anybody there, express your approval of the action of the police on that occasion?—A. No sir.

(Sgd.)

W. SULLIVAN.

UNITED STATES OF AMERICA,

State and Northern District of California ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William Sullivan, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF CHARLES B. SEMPER.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Charles B. Semper, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

CHARLES B. SEMPER, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. Charles B. Semper; seaman U. S. S. "Baltimore".

Q. Were you attached to the U. S. S. "Baltimore" when she was in Valparaiso, Chile in October last?—A. Yes sir.

Q. What is your age?—A. About 25 years of age.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" in Valparaiso, Chile, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulties or disturbances occurring on shore there on that date between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty there?—A. I know a little of it.

Q. State all the facts and circumstances within your knowledge, relative to any such disturbances or difficulties.—A. When we first went ashore, it was about one o'clock. I went to the Exchange to get some Chilean money, as I hadn't any. And from there myself and Sylvester Hodge went off to the southern end of the town. The two of us went in company, and left all the others. We stayed at that end of the town.

Q. You stayed at which end of the town?—A. We stayed at the southern end of the town.

Q. You mean up here by the Plaza Victoria?—A. Yes sir; up that way.

Q. You say you stayed there all day?—A. Yes sir; stayed there until towards evening, until about half past four o'clock, or something like that; a little later probably. Hodge remarked that we would go down and see how our boys were getting on; as we understood, before we left the ship, and after we left ashore, that they were prepared to attack us.

Q. Who did you understand were prepared to attack you?—A. The Chilean sailors were. So we went down, and going down the street, myself and him, we met one of the crew of the "Baltimore"; Carson, I believe his name is, and he said, "Don't go down any further. If I was you, I would go back, because there is fighting down there." And Hodge says, "Well, you aint going to stand by and see our boys get beat up, are you?" And with that we walked a little faster. About this time I saw Davidson coming down, and he beckoned to us and said, "Come on, boys, they are fighting down here."

Q. He belonged to the "Baltimore"?—A. Yes sir; and as soon as he said that, the two of them started to run.

Q. Who started to run?—A. Davidson and Hodge started to run.

And I was a little slow in getting up to them. Before we got down, a mob commenced to stone us.

Q. Where?—A. Down towards where the general row was.

Q. Where was it?—A. Down near the water; down towards the water, but a little below that.

Q. Near the landing?—A. Down towards the Landing, but further north.

Q. Down near the Landing?—A. Yes sir; down near the Landing.

Q. Near the Mole?—A. Yes sir.

Q. Go on.—A. They started stoning us; children and men and women commenced to throw stones at us.

Q. Had you said anything to them, or molested them in any way?—A. No sir. We were walking down the street without any molestation of them whatever.

Q. And they commenced throwing stones at you?—A. Yes; they commenced throwing stones at us. Davidson was surrounded by the mob; him and Hodge. I was left behind. I was a little behind; and I could not make my way, could not get through any more, because the whole street was crowded with people. With that I turned and went around. The crowd started to run up one street, and I run up this way. And in going down I saw a lot of people standing around something; and I went down there, and I saw what I believe now was Riggin; but at that time I could not recognize him on account of being excited.

Q. Were the people all around him?—A. Yes sir; the people were all around him. He was lying in the gutter; dead, apparently.

Q. You didn't recognize him then?—A. No sir.

Q. Did this mob hurt you in any way; hit you?—A. I was pelted with stones, but I don't know whether I was hurt or not.

Q. You were what?—A. I was pelted with stones.

Q. By the mob?—A. Yes sir.

Q. What did this mob consist of?—A. Men women and children.

Q. Were there any sailors or soldiers in the crowd? Did you notice any?—A. No sir; I didn't notice any of them.

Q. Did you notice whether they had any arms of any kind; knives, or anything of that kind?—A. No sir; I just know they picked up stones, and commenced to throw stones.

Q. Then you ran to get out of the way?—A. Yes sir; I could not fight the whole mob myself, and I thought I would meet my shipmates around the other way.

Q. Did the mob chase you around?—A. No sir; they didn't follow me.

Q. Where did you bring up? Were you arrested?—A. I was arrested that night, yes sir.

Q. Where? Go on and tell what occurred? Where were you arrested?—A. I was arrested down at the south end of the town. When I went down, I saw a crowd standing around what I believe now, is Riggin. While I was looking at him, some citizen told me if I didn't want to share his fate, I would go away from there.

Q. Some citizen spoke to you in English and said that?—A. Yes sir; some citizens told me that. They spoke in English.

Q. Was any mob around there?—A. No sir; there was no fighting there at that time.

Q. They told you, if you didn't go away from there, you would share the same fate?—A. Yes sir.

Q. Where did you go?—A. I went up and took a street car, and went down to the south end of the town; and I saw Mr. Richardson going down; and I got off the car, and told him not to go that way, because

if he did he would get hurt; and I succeeded in persuading him not to go. And I took him back to the south end of the town, and that night we were arrested.

Q. Where were you?—A. Up to the south end of town.

Q. Up towards the Plaza Victoria?—A. Down that way, but further up.

Q. What were you doing when you were arrested?—A. I was in a little shop, a liquor shop.

Q. Was any trouble or fighting there?—A. No sir.

Q. Why were you arrested?—A. I objected to going with the policeman, and he said it was his orders from the Intendente to arrest all the "Baltimore" sailors that he found on the street that night.

Q. How did he arrest you? What did he do when he arrested you?—A. He simply came there and said, "Come on with me"; and he took us to the police station.

Q. You did not resist?—A. No sir; not after he explained it to us.

Q. How did he treat you?—A. Oh, he treated us civilly. He put us in the lockup. The windows there were all open, and it was very cold. We came near freezing.

Q. How long did you stay there?—A. From ten o'clock that night, until half past five the next morning.

Q. Then they let you out?—A. Yes, sir.

Q. Then you went aboard the ship?—A. Yes sir.

Q. Did you see any more trouble?—A. No sir.

Q. Did you have any knives, weapons, or anything of that kind about you, that day?—A. I had a small penknife.

Q. Did any other members of the crew of the "Baltimore" that you saw have any knives, weapons or arms about them that day?—A. Not that I know of.

Q. You and all the others of this party that were with you were in uniform all the time?—A. Yes sir.

Q. What was the warning you had before you went ashore? As I understand you, you had a warning before you went ashore; that something might happen?—A. We were told that the Chileans were going to attack us in case any of the "Baltimore" sailors went ashore.

Q. When were you told that?—A. We were told that before we went ashore.

Q. How long before you went ashore were you told that?—A. Just before we went ashore.

Q. Who told you so?—A. The captain's cook.

Q. Where did he hear it?—A. He had been ashore on liberty before.

Q. He had already been ashore?—A. Yes sir; he had been ashore on liberty.

Q. Before that?—A. Before the crowd went, yes sir.

Q. What is the cook's name?—A. Tinney.

Q. How were you treated when you were under arrest there at the jail? How did they treat you?—A. They treated me very well. They didn't say anything to me.

Q. What was your condition as to sobriety that day on the shore, when you were there?—A. I was perfectly sober, sir.

Q. What was the condition of the other members of the crew of the "Baltimore" who were on liberty, when you saw them there that day, as to sobriety?—A. All I saw there were perfectly sober.

Q. Then I understand you, that you didn't see a member of the crew of the "Baltimore" drunk on shore that day?—A. No sir; I didn't see any drunk. All I saw were perfectly sober.

- Q. Did you at any time at Valparaiso, or to any person there, express your approval of the action of the police on that occasion?—A. No sir.
(Sgd.) C. B. SEMPER.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Charles B. Semper, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

• DEPOSITION OF HERMAN FREDERICKS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Herman Fredericks, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

HERMAN FREDERICKS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—State your name, rating, and present station.—A. My name is Herman Fredericks; ordinary seaman, "U. S. S. Baltimore".

Q. What is your age?—A. 29 years.

Q. Were you serving on board the "U. S. S. Baltimore", when that vessel was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the Baltimore, at Valparaiso on the 16th day of October last, on shore?—A. Yes sir.

Q. Do you know of any difficulties or disturbances which occurred on the shore at Valparaiso that day, between the Chilean sailors or others, and members of the crew of the "Baltimore"?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to any such disturbances or difficulties? State the time you went ashore, and go on and tell what occurred?—A. I left the ship at half past one o'clock p. m., on the 16th day of October and went ashore in the ship's boat; me and the apprentice boy, C. G. Williams. First we went up to the hotel called the Victoria Hotel; and after we left there, we went up town and bought some writing paper and a few books, and came down to the wharf, and gave them to the gig. The gig was lying alongside the wharf. After we went back to a place kept by a

man named Tom White. In that place we met a second-class fireman, Houlihan, and coal-heaver Birdsall, of the "Baltimore." We stayed there a while, and then we left, and went down to the Victoria Hotel again. We wanted to get our supper there. After being in there a few minutes, a citizen came in, and told us there were some of our men fighting down town.

Q. What time was this, about?—A. It was about half past five o'clock.

Q. Go on.—A. A man came there, a citizen, and told us that some of our men were fighting further down town with some civilians. We didn't pay any attention to it. We stayed there for a while, and four of our men came in, White, Wilbur, Ryan, and Holdsworth. They told us that they were in another place with a boy named Frank Smith, and the mob took the boy away from them and beat him. And after they told us that, we left there to go down. We had left the place about three minutes, and there was a big crowd of citizens firing stones at us. We went as far as the square—I don't know the name of the square—there is a big monument stands on it, close to the Mole. We came there, and there was a big crowd of citizens throwing stones at us. And I got hit with a stone in my head, and knocked out. When I came to, four policemen were around me.

Q. What were they doing?—A. They were standing around me, and wanted me to get up. And one of them hit me over the head with the butt of his rifle, and I went down. And when I came to, they had catgut around my wrist.

Q. Was this near the Mole?—A. Yes sir.

Q. You had been knocked down by this stone on the forehead?—A. Yes sir.

Q. Was it a stone?—A. Yes sir; it was a stone.

Q. Were you unconscious?—A. Yes sir; I was unconscious for about a minute or so. It could not have been very long.

Q. Then when you recovered consciousness, you saw what?—A. Four soldiers standing around me.

Q. Were they armed?—A. Yes sir; they were armed with rifles and bayonets.

Q. What did they do?—A. One of them hit me on the head with his rifle.

Q. Which part of the rifle?—A. He hit me with the butt end down.

Q. Why did he hit you?—A. I don't know.

Q. Were you moving?—A. No sir; I wanted to get up.

Q. Were you resisting?—A. No sir.

Q. And he hit you over the head?—A. Yes sir, he hit me over the head with the butt end of the gun.

Q. What was this crowd about you at the time?—A. They were civilians.

Q. Who else was with you?—A. Williams.

Q. Of the "Baltimore"?—A. Yes sir.

Q. Was he hit, too?—A. Yes sir, he was hit.

Q. Were only you two there?—A. Yes sir, only us two.

Q. Was this crowd attacking any other persons except you?—A. Not that I saw.

Q. Both of you were in uniform?—A. Yes sir.

Q. What did the police do then? Did the police attack Williams too?—A. I don't know as they attacked him. He was not close enough to me.

Q. What did the police do then with you?—A. They put the catgut nippers on my hand and took me to jail.

Q. On both hands?—A. No sir; only on one hand.

Q. Did the man lead you to jail, or was he on horseback?—A. No sir; he was on foot.

Q. What time was this, do you think?—A. It must have been about six o'clock, I think, sir.

Q. Were you sent to the hospital then?—A. No sir.

Q. Were you disabled for any length of time on account of this hit?—

A. I was sick, but they did not send me to the Hospital.

Q. Were you on the sick list?—A. Yes sir; I was on the sick list after I came back to the ship.

Q. For how long a time?—A. For fourteen days; two weeks.

Q. On account of that blow on your head?—A. Yes sir.

Q. Is that the scar that shows on your forehead there now?—A. Yes sir.

Q. Had you any arms or weapons, or knife, or anything of that kind about you?—A. No sir; I had nothing about me.

Q. Had this other man that was with you any arms or weapons of any kind?—A. No sir; not to my knowledge.

Q. What warning, if any, did you have as to an expected attack upon the men?—A. The first one was in the Victoria Hotel, after we left the gig; a citizen there told us about it.

Q. You were told about it by a citizen in the Victoria Hotel?—A. Yes sir.

Q. Did you know the citizen?—A. No sir.

Q. Did he volunteer this information to you?—A. Yes sir.

Q. Did he speak in English?—A. Yes sir.

Q. What did he say?—A. He told us that some of our men were attacked around the city.

Q. Did you have any information that you might be attacked before you went ashore?—A. No sir.

Q. Or afterwards, before you went to the Victoria Hotel?—A. No sir.

Q. How were you treated when you were under arrest; how did they treat you, the police and the people in the prison? How were you treated?—A. In the prison, we were treated pretty fair.

Q. How long were you in the prison?—A. We were in jail from Friday night, until Tuesday evening.

Q. Then were you sent back to the ship?—A. Yes sir.

Q. What was your condition as to sobriety at the time that trouble on the shore arose?—A. I was perfectly sober, sir.

Q. What was the condition as to sobriety of the other members of the crew of the "Baltimore" that you saw on shore that day, or any of them?—A. The ones I saw were all sober. Only five of them; the one along with me, and the four I met in the Victoria Hotel.

Q. And they were all sober?—A. Yes sir; they were all perfectly sober.

Q. Did you see any other members of the crew of the "Baltimore" on shore that day?—A. Yes sir.

Q. What was their condition; were they sober?—A. Yes sir; they were all sober. It was shortly before we were attacked.

Q. Did you at any time on shore at Valparaiso there, to any person, express your approval of the action of the police on that occasion?—A. No sir.

(Sgd.)

H. FREDRICKS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Herman Fredericks the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF CHARLES G. WILLIAMS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Charles G. Williams, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

CHARLES G. WILLIAMS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating and present station?—A. My name is Charles G. Williams; seaman apprentice, first class on the "U. S. S. Baltimore."

Q. What is your age?—A. I was 20 the 10th day of last September.

Q. Were you serving on board the U. S. S. "Baltimore" when she was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulties or disturbances that occurred on shore that day at Valparaiso, between any Chilean sailors or others, and members of the crew of the "Baltimore" who were there on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to any such disturbances or difficulties? Commence from the time you left the ship. What time did you leave the ship?—A. I left the ship about one o'clock in the afternoon, in the ship's boat.

Q. Go on. What did you do?—A. As soon as I got ashore I went into a saloon that is kept by a German, and stopped there about five minutes; and then I went up to Shrigley & Westcott's stationery store, and bought some writing paper and books. And from there I was coming down to send those things off by one of the gig's men; and I saw a billiard parlor, and went in there and played billiards for about an hour; I played there for about an hour or a little over. Then we went down

to the gig and gave those things to one of the gig's men to take off to the ship.

Q. Who was with you?—A. A man by the name of Fredericks.

Q. Did he belong to the ship "Baltimore"?—A. Yes sir.

Q. Go ahead; go right along until you come to where you saw or heard any difficulty?—A. Then we went from there into a saloon kept by Tom White, and then we went from there to the Victoria Restaurant, and got something to eat. And there was a citizen came in there and told us there were some of our fellows getting cut up down by the Mole.

Q. About what time was this?—A. It was between five and six o'clock, I think. He told us that, but we didn't take any stock in it. We didn't know what to think of it. In fact, we thought he was drunk.

Q. You thought this citizen was drunk?—A. Yes sir.

Q. Did he speak English?—A. Yes sir; he spoke English. As soon as he went out, there were four of our fellows came in and told us about Frank Smith being hauled out of a saloon by a mob. And we asked them to go out with us and see if we could do anything for him, and they would not go. And me and Fredericks went out. Just as we got out, there was another man that spoke English told us to come the opposite way with him, to the Mole. We didn't want to go with him, and we went the other way; and we hadn't taken half a dozen steps when stones came in every direction. We chased one crowd, and they would run, and then the stones would come from the other direction.

Q. They were stoning you?—A. Yes sir; they were stoning us; they were on all sides.

Q. Did they chase you?—A. Yes sir; the mob behind would chase us, and the mob in front would run.

Q. What did the mob consist of? What kind of people?—A. They were dressed in citizen's clothes, the majority of them, I think.

Q. Were they Chileans?—A. Yes sir; they were Chileans.

Q. Were they throwing stones at you?—A. Yes sir.

Q. Had you molested these people?—A. No sir.

Q. Either of you?—A. No sir.

Q. Did they make this attack on you without any provocation?—A. Yes sir.

Q. How did you account for their making this attack on you, without molestation by you? You didn't know them?—A. No sir.

Q. Why did they make the attack on you?—A. Because they were down on the ship's company, or something of that kind.

Q. Down on what ship's company?—A. On the ship's company of the "Baltimore."

Q. Because you were members of the "Baltimore's" crew?—A. Yes sir; I can't think of any other reason.

Q. Go on. This was on the way from the Victoria Hotel down to the Mole?—A. Yes sir.

Q. About how far were you from the Mole when this occurred; when this party attacked you?—A. I can't give the exact distance. It was just a few steps outside of the Victoria restaurant; about half a dozen steps, I should think.

Q. Go on.—A. And then we started to run to get out of the way of them; and I got hit in the knee with a stone that knocked me down.

Q. Knocked you down, did it?—A. Yes sir; and after that I got up and the man that was with me stayed behind me after that, so if I did fall, he could pick me up.

Q. What struck you on the knee?—A. I was struck on the knee with a stone.

Q. With a stone thrown by the mob?—A. Yes sir; thrown by the mob from in front.

Q. Did I understand you that there was a mob in front of you, and one behind you?—A. Yes sir.

Q. And you were making your way to the Mole?—A. Yes sir.

Q. Go on.—A. We kept running after that, and I don't know whether he was knocked down first, or myself. I got hit with a club or something, behind the ear, that knocked me senseless.

Q. In the street?—A. Yes sir; and when I came to, two citizens had hold of me, one on each arm; and they took me to a mounted policeman, I think he was. He was dressed in black, and carried a sword; and he had some conversation with them, and then he started his horse off at a full gallop.

Q. Where were you at the time?—A. He had catgut nippers around my wrist.

Q. He had catgut nippers around one of your wrists?—A. Yes sir.

Q. Did he have hold of the nippers?—A. Yes sir.

Q. And started his horse at a full gallop?—A. Yes sir.

Q. Who were the citizens that took you to the police? Were they kindly disposed towards you?—A. I haven't any recollection of who they were. That is the first thing I recollect after coming to my senses.

Q. What effect did this have on you, when this mounted policeman had the nippers around your wrist? What effect did that have on you?—A. I started off with him at first.

Q. On the run?—A. Yes sir; and then I tried my best to pull him off the horse, or to stop the horse from running. I could not do it, and I was thrown underneath.

Q. Did he continue after that to gallop his horse?—A. No sir; he walked the horse after that.

Q. Had you made any resistance when started off in this way at a gallop?—A. No sir; not in the least.

Q. He had just placed the nippers on your wrist?—A. Yes sir.

Q. And then he mounted his horse?—A. No sir; he was already mounted.

Q. Did he place the nippers on your wrist from his horse?—A. Yes sir.

Q. Did you or not resist at that time?—A. No sir, I didn't resist at all.

Q. Did you say anything to him at all?—A. No sir, not a word.

Q. Then, he started his horse on the gallop?—A. Yes sir.

Q. How far did he go on the gallop?—A. I think the horse gave about three gallops before I made any resistance.

Q. You mean before you held back?—A. Yes sir.

Q. Then what? What caused you to fall under the horse?—A. Well, I think it was in my attempt to stop him. I was trying to pull him off the horse, or to do something to stop him. I could not keep up with him.

Q. You mean you could not keep on your feet at that rate of speed?—A. No sir; I could not stand up, with the horse going that fast.

Q. Were you running?—A. Yes sir.

Q. Then if I understand you, you could not keep up with the pace that the horse was making; is that what you mean?—A. Yes sir; I could not keep up with him.

Q. How were you treated after you got to the prison? Did this policeman take you to the prison?—A. Yes sir; he took us to prison.

Q. Was the other man, Fredericks, taken along too, the same way,

by the policeman?—A. I think he was taken by two policemen that were walking. He came after me. I was there before him.

Q. How did they treat you at the prison?—A. They put the two of us in one little cell first. Then after that they took us out, and put us in a big cell where the rest of our fellows were.

Q. How long did you remain there?—A. In the big cell?

Q. No; in prison?—A. I have forgotten how long it was.

Q. Mr. Sears took you off?—A. Yes sir; I came down with the first crowd.

Q. Then you went off to the ship?—A. Yes sir.

Q. Did you have any arms or weapons or knife about you that day?—A. I had a very small knife.

Q. What was it?—A. It was a white-handled penknife.

Q. Had you any other?—A. No sir.

Q. Any other weapon of any kind?—A. No sir.

Q. Did any other members of the crew of the "Baltimore" who were with you on this occasion, those that you saw, have knives or weapons, or arms of any kind, to your knowledge?—A. No sir.

Q. What was your condition as to sobriety at that time?—A. I was perfectly sober.

Q. What was the condition as to sobriety as to the other members of the crew of the "Baltimore" who were on shore that day, and whom you saw?—A. Every one I saw looked as though they were sober; not drinking at all.

Q. Did you at any time in Valparaiso, to any person there, express your approval of the action of the police on that occasion that day?—A. No sir.

(Sgd.)

C. G. WILLIAMS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Charles G. Williams, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF MICHAEL HOULIHAN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 9th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Michael Houli-

han, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

MICHAEL HOULIHAN, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. Michael Houlihan, fireman, second-class, on the U. S. S. "Baltimore."

Q. What is your age?—A. 28 years of age.

Q. Were you attached to the U. S. S. "Baltimore" when she was at Valparaiso, Chile, in October last?—A. Yes sir.

Q. Were you on shore on liberty with other members of the crew at Valparaiso, on the 16th of October last?—A. Yes sir.

Q. Do you know of any difficulties or disturbances that occurred on shore that day at Valparaiso, between Chilean sailors or others and the members of the crew of the "Baltimore" who were on liberty?—A. Yes sir; I know I was assaulted myself.

Q. State all the facts and circumstances within your knowledge with reference to any such disturbances or difficulties there that day.—A. I went ashore at one thirty in the afternoon, the 16th of October last. As we were going ashore, we passed the Chilean man of war "Esmeralda," and the crew were standing up on her deck, and they commenced shaking their fists; and they had knives in their hands, shaking them at us, as we were going along in the boats. I was not ashore five minutes, when I met two gentlemen on Calle Cochran, that I never saw before, and they told us to look out for ourselves that the crew of the "Baltimore" was going to be assaulted.

Q. Did they speak English?—A. Yes sir.

Q. They volunteered this information to you?—A. Yes sir; I had never seen them before.

Q. What did they say?—A. They told us that the "Baltimore" sailors were going to be mobbed that night by the Chileans.

Q. By who?—A. By the Chileans. Between that time and half an hour afterwards, I was told by four different parties, in places I went to, the same thing.

Q. Was this when you first went ashore?—A. Yes sir, this happened just after I went ashore.

Q. Were these parties English or Americans, or people speaking English?—A. They were people speaking English. I couldn't say what they were.

Q. You say you were told the same thing by four different parties?—A. Yes sir.

Q. What did they say? What was the idea?—A. Well, they didn't say; they didn't mention what the idea was. I didn't take any stock in it myself. I laughed at them; because I didn't know of any reason why they should assault us.

Q. Go on.—A. After that I went into a saloon there, went in and took a cigar, and took a drink of beer. There was a crowd saw me go in there, and they came around and wanted to get in; but the proprietor of the place closed the door on them.

Q. What kind of a crowd was it?—A. They were all mixed up; some citizens and some soldiers. They wanted to get into the place that I went in to.

Q. What did they want to get in there for?—A. I don't know. They didn't make any attempt to get in there until they saw me going in there. When they saw me going in there, they came towards the place; and the proprietor of the place closed the door.

Q. Is that what the proprietor said?—A. Yes sir; he could not speak English; but he pointed to a room for me to go in, and he closed the door at the time.

Q. Go on?—A. I stayed in there for fifteen minutes. I had one drink in there, and I came out; and I came down to a place kept by a Scotchman; and I saw the crowd following me up. I went out the back way.

Q. Why did you go out the back way?—A. Because the crowd was out by the front door. I went out the back way to escape the crowd.

Q. And the crowd followed you?—A. Yes sir; when I went out the back door. It is the corner there, the corner of Cochran Street.

Q. What did you do?—A. I jumped on a horse car to escape the crowd. I knew they would follow me up.

Q. Did they continue to bother you then?—A. No sir, they stopped then.

Q. Did they molest you in any way?—A. No sir; not at that time. I jumped on the horse car and came down as far as the Mole. I saw a crowd there and I turned up the same street again, and I went into White's, and I had a drink in there, and I was in there five or ten minutes, and the boy Williams and Fredericks came in there.

Q. They belong to the "Baltimore"?—A. Yes sir. I asked them what they were going to have, and they both took a glass of beer each. We were in there four or five minutes, and Birdsall came in, and he took a drink. That is all we had in there at that time. There were some citizens came in there, and they said some of the Baltimore's crew were getting murdered down on the Mole.

Q. About what time of day was this?—A. This was around dark some place: I don't know what time it was.

Q. Early in the evening?—A. Yes sir; about dusk.

Q. About what time do you suppose it was?—A. I don't know what time night falls down there.

Q. Was it long after dark, or shortly after dark?—A. It was just about dark, sir. This boy Williams and Fredericks were after coming out, and I said to Birdsall, "I am going out. It wont do for me to stay in there and my shipmates being murdered down on the Mole." And I went out, and there was a crowd outside the door, and they followed me.

Q. Was it the same kind of a crowd?—A. I didn't exactly take notice. They were all citizens and soldiers, mixed up. They followed me along, and when I got up near the corner there was a rock passed my head.

Q. Was it thrown by that crowd?—A. Yes sir; it was thrown by a crowd on the opposite side of the street. There was a big crowd right down in front of me, and when I saw that crowd, I knew there was no chance for my getting down there; so I turned back again, and I put my hands like that (showing), in each side like that; I put my hands in my pockets; and there were four fellows standing right on the walk of the street, and when I was going by the four stood right together abreast. Each of them had his hand in his coat pocket, and one hand out of it.

Q. That was the reason you put your hand in your pocket?—A. Yes sir; I put my hand in my pocket, and when they saw that, they let me pass.

Q. Were they throwing stones at you?—A. No sir; they only threw stones twice at that time. I went up to the hotel called the Royal Hotel, and kept by a Chinaman. I went there, and the place was closed up. They would not let anybody in at that time. Then I went up to another place called the "Royal Oak" up on Ship Street. I went

in there, and I told him that there was a crowd following me up, and he said, "I know there is, because they have been following up every American sailor they have seen to-night." I said to him, "You have no rooms to let, have you?" And he said, "No, but you go down to another Chinaman's that keeps one street down from here, and turn around the corner there, and you can get a room." I went down there and I asked him if he had any rooms to let, and he told me no, he had no rooms to let. And I came down across a little common, and I came down about White's, and the crowd was after leaving the street; and Birdsall went in there at that time. I went in and had a cigar and another drink in there; and I stayed in there for about half an hour. I shook some dice in there.

Q. Where did you go then?—A. There was an Englishman in there, and I stayed there talking to them; and I came out there, and I said I was going to a hotel.

Q. Did you see any more trouble that day?—A. Yes sir; I was assaulted after that, when I was going to my room.

Q. Go ahead?—A. I came out of there, and a man named Rodgers, a first class fireman, who got discharged in Valparaiso.

Q. Was Rodgers with you?—A. Him and me left the saloon at that time together. He said, "Can you trust yourself with me to go down?" I said, "Yes."

Q. He was in citizen's clothes?—A. Yes sir; he was in citizen's clothes at that time.

Q. Did they molest you at that time?—A. No sir; we didn't see the crowd at that time. But as I was going along, there were two Chileans stepped to the corner, and one of them hollered out "Americano," and there was a crowd rushed out—I should judge about 15 or 20; and one caught me by the neckerchief, and the other struck me in the back with something; and he cut the shirts right through on the back here. (Showing).; and the other cut my leg, and the three of us wrestled there for a while, and we fell together. And I got two of them beneath me, and one of them got me by the neckerchief, and tried to go through me. And he was holding on to me by the neckerchief, and I saw the crowd coming; there was over 15 or 20 coming up the street at the same time; and I pulled away and left the neckerchief. I went up and got into the Victoria Hotel by the back way. He didn't keep the front of the hotel open that night.

Q. You were not injured then?—A. No sir; I was not injured.

Q. That was the last disturbance you saw?—A. Yes sir; that was the last disturbance I saw.

Q. Had you any knives or arms or weapons about you at that time?—A. No sir.

Q. Had these other men that were with you?—A. No sir.

Q. You were in uniform, were you?—A. Yes sir; I was in uniform.

Q. What was your condition as to sobriety at that time?—A. I was quite sober. I had not had over three glasses of beer.

Q. What was the condition of the other members of the crew of the "Baltimore" that you saw that day, with reference to sobriety?—A. Every one I saw was perfectly sober. In fact, we hadn't time to get drunk.

Q. How did you get back to the ship?—A. I went back the next morning. I washed my shirt and hung it up to dry.

Q. How did you get back?—A. I got back all right.

Q. How did you get back?—A. In the ship's launch.

Q. Did you while you were in Valparaiso, to any person in Valparaiso, express your approval of the action of the police on that occasion?—A. No sir.

(Sgd.)

MICHAEL HOULIHAN.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Michael Houlihan, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 9th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 11th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JAMES TINNEY.

Be it remembered, that at the above entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of October, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared James Tinney, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JAMES TINNEY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is James Andrew Tinney, and I am the captain's cook on board the "U. S. S. Baltimore."

Q. What is your age?—A. 39.

Q. How long have you been attached to the "Baltimore"?—A. I joined the "Baltimore" on the 11th of May, 1890.

Q. Were you attached to the "Baltimore," when that vessel was in the harbor of Valparaiso, in October last?—A. Yes sir.

Q. Were you warned by any persons at Valparaiso, prior to the 16th day of October last, the date of the disturbances which occurred when the liberty men were on shore, that such difficulties or disturbances might be expected; if so, at what time, and by whom were you so warned?—A. I could not tell you exactly the date. It was about 3 or 4 days before the liberty party went on shore. The young man that warned me was named Rocky Joe.

Q. What did he say to you?—A. He was on the Mole where the boat landed, and he asked me if the liberty party was coming ashore I told him no, they were not coming today.

Q. You mean that day?—A. Yes sir. He told me when I got back

to tell them not to come, because there was a crowd of Chileans waiting to mob them when they landed.

Q. Who is Rocky Joe to whom you refer?—A. He is a resident of Valparaiso.

Q. Was he friendly disposed towards you and the crew of the "Baltimore"?—A. Yes sir.

Q. Did you have any other warning prior to the 16th day of October?—A. No sir.

Q. You were not on shore on liberty on the 16th day of October, with the rest of the crew?—A. No sir.
(Sgd.)

JAMES A. TINNEY.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States, for the Northern District of California, do hereby further certify that James Tinney the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterward by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand, this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF P. McWILLIAMS.

Be it remembered, that at the above entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate General of the U. S. Navy, by order of the Secretary of the Navy, held at the office building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared P. McWilliams, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

P. McWILLIAMS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station.—A. My name is Patrick McWilliams, and I am a coal-heaver on board the "U. S. S. Baltimore".

Q. What is your age?—A. I am 27 years old.

Q. Were you attached the "Baltimore" when that vessel was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go ashore with other members of the crew of the "Baltimore" at Valparaiso, on liberty, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbances that occurred on shore that day at Valparaiso between any Chilean sailors or others, with the crew of the "Baltimore" who were on shore at that place and time?—A. No sir, I did not see any disturbance. I was in the bar-room

of the Americano Hotel, on the corner of Cochran street, and a man came in and told us that one of our men was hurt outside. I went out on the street but could not see anyone.

Q. What time of day was this?—A. Between 7 and 8 o'clock in the evening. I went up to the head of the street, and no one was on the street at all. As I advanced up the street, two men told me to go back again, and get out of the way, or I might get hurt myself.

Q. Who were those two men?—A. Two merchant seamen. They spoke pretty good English. They said they were beating one of our seamen.

Q. To whom did he refer?—A. He did not refer to the name of the man, but to one of the seamen of the "Baltimore".

Q. To whom did he refer, as the person or persons who would probably hurt you?—A. Chilanos.

Q. Now proceed with your statement?—A. I came back to the hotel where I had hired a room for me and this man Rooney of the "Baltimore". I came out again and was arrested by the police.

Q. Where was this?—A. Near the Americano hotel in Valparaiso.

Q. In what part of the city was that hotel?—A. It was on Calle Cochran.

Q. By whom were you arrested?—A. By one of the Chilean police.

Q. What were you doing when he arrested you?—A. I was doing nothing. I just came out of the hotel, and was talking to one of the men, and he came and arrested me.

Q. Were you making any disturbance?—A. No sir.

Q. Did you offer any resistance to him?—A. No sir; I just wanted to know what he arrested me for. He never told me what he arrested me for, or nothing else.

Q. What did he do with you?—A. He would not tell me what he arrested me for and I cleared away from him. I ran down the street and he followed me. There was a crowd attacked me. They did not fire no missiles at me. I guess they were trying to capture me at the time.

Q. A crowd of what?—A. Chilanos.

Q. Did they not throw anything at you?—A. No sir.

Q. You say they surrounded you?—A. Yes sir, and brought me to a stand-still.

Q. What occurred then?—A. This soldier cut at me with a cutlas.

Q. What soldier?—A. A mounted policeman; they are like soldiers.

Q. Was that the policeman that first arrested you?—A. Yes sir.

Q. Why did he cut at you with a cutlas? Were you resisting him, or attempting to escape?—A. Yes sir, I was trying to get away, because I did not know what he was arresting me for.

Q. Did he hit you?—A. Yes sir, he struck me across the back with a cutlass.

Q. How many police were there at that time?—A. I could not say how many police there was, for it was dark at the time. There was a whole crowd of them, police and soldiers.

Q. Did this cut with the sword inflict any wound upon you?—A. No sir, he did not get a square cut at me with the blade of the sword, it must have been with the flat of the blade.

Q. How many people were in this crowd at that time, that you refer to?—A. About 50.

Q. What were they?—A. Chilanos; citizens and soldiers all mixed up together.

Q. Did you notice any sailors?—A. No sir.

Q. Were any other members of the "Baltimore's" crew there with you

then at this time, outside?—A. No sir, after they captured me this man Rooney run right across me. They run him right into a horse-car.

Q. Who ran him into a horse-car?—A. One of the Chilean soldiers, with a bayonet fixed on his rifle; he charged at him.

Q. Rooney got into a horse-car?—A. They run him up against a horse-car.

Q. What occurred then?—A. He was arrested then, and they took him on ahead of me. Both of us were taken to the calaboose.

Q. Did he hit him?—A. I could not say whether he jabbed him with the bayonet or not; Rooney told me afterwards that he jabbed him.

Q. How were you treated by the police on the way to the prison?—A. This policeman, when he brought me up, he threw a lasso over my neck.

Q. Which policeman?—A. The same policeman that captured me first.

Q. Was he mounted?—A. Yes sir.

Q. He threw a lasso over your head?—A. Yes sir, and tightened it up on my head.

Q. Were you running away from him at that time?—A. No sir, I halted. I seen there was no chance of escaping, and I stopped, because the mob was surrounding me at the time.

Q. Had you halted at the time, that the lasso was thrown over your head?—A. Yes sir.

Q. How far was this mounted policeman from you when he threw the lasso over your head?—A. I could not say how far he was. My back was towards him. There was a policeman on each side of me, and they had nippers on my wrists.

Q. At the time this lasso was thrown over your head and tightened as you have stated, had these nippers been placed upon your wrists?—A. Yes sir, they caught me at the same time.

Q. How long did they keep the lasso and nippers on you?—A. I guess they kept them on for two minutes.

Q. I do not want you to guess?—A. They kept the lasso on for about two minutes, but the nippers they kept on until they took me to the prison.

Q. They did not drag you then by the lasso?—A. No sir.

Q. How were you conducted by the police to the prison?—A. They conducted me very roughly.

Q. In what way?—A. They kept pulling on each arm, and dragging me along the street.

Q. Were you resisting and pulling back?—A. No, sir.

Q. Why did they do that?—A. Because I was an American. They were calling me "Gringo Americano", and one fellow bit me on the left arm.

Q. Who was calling you "Gringo Americano"?—A. This Chilano soldier.

Q. One of the police that had charge of you?—A. The soldier.

Q. Did he have charge of you?—A. Yes, sir.

Q. Who bit you on the arm?—A. This soldier that had me by the left arm.

Q. What were you doing, that he bit you?—A. I was doing nothing. I could not do anything; I was helpless.

Q. How long did you remain in prison?—A. I could not say exactly.

Q. About how long? When did you get out of prison?—A. I got out the following evening. I was put in that night and got out the following evening.

Q. How did you return to the ship?—A. We went off in our steam-launch.

Q. Did you have any arms or weapon or knife about you?—A. No sir, I had nothing.

Q. Did Rooney, to your knowledge, have any about him?—A. No sir.

Q. Were you in uniform at this time?—A. Yes sir.

Q. Had you received any warning before you went ashore? Or after you got ashore, that there might be trouble on shore that day, with the "Baltimore's" crew?—A. There was one Reilly that kept a bar-room, and the men who were in there said that a woman in there warned them to look after themselves. I did not hear the woman say anything.

Q. What was your condition as to sobriety, at the time you were arrested, and during the afternoon?—A. I was quite sober.

Q. What had you been drinking?—A. About two drinks of beer.

Q. Did you see many of the other members of the crew of the "Baltimore" on shore that day?—A. No sir, they all seemed to scatter away.

Q. Did you, at any time, to any person in Valparaiso, express your approval of the action of the police on that day?—A. No sir, I did not.

(Sgd.)

P. McWILLIAMS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States, for the Northern District of California, do hereby further certify that P. McWilliams the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892; at the office building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterward by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JOHN ROONEY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the office building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John Rooney, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN ROONEY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is John Rooney; I am a coal-heaver on board the "U. S. S. Baltimore".

Q. What is your age?—A. 28.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, in October last?—A. Yes sir, I went ashore in the liberty party.

Q. Did you go on shore with members of the crew of the "Baltimore" at Valparaiso, on liberty, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso, between any Chilean sailor or others, and members of the crew of the "Baltimore", who were on liberty?—A. No sir, only what happened to myself.

Q. State all the facts and circumstances within your knowledge relating to what occurred on that day.—A. I spent the biggest part of the day up in the further part of the city. In the evening I came down and hired a room in the Americano hotel for the night. I went out on the street, and was not out but a short time when I got arrested.

Q. What time was that?—A. A little before dark. We got down to the Jail before it was dark.

Q. You went out on the street from the hotel, and were arrested?—A. Yes sir.

Q. What were you doing?—A. Walking along the street.

Q. Were you molesting or interfering with any person?—A. No sir.

Q. Were you sober or drunk?—A. Sober. I had had about three small glasses of lager beer at the time.

Q. By whom were you arrested and under what circumstances? What occurred when you were arrested?—A. I was arrested by the police and soldiers there. There were 5 or 6 of them around. I said I wanted to go aboard of the ship. They shook me up and put some kind of rubbers on my wrists, and one of them hit me in the side with the end of his gun.

Q. Which end?—A. The butt end.

Q. Why did he hit you with his gun?—A. I expect it was because I said I wanted to go aboard the ship.

Q. Were you resisting him?—A. I said "I have done nothing and I want to go aboard the ship."

Q. Did you attempt to get away from him?—A. No sir, I only said that.

Q. You did not attempt to pull away?—A. No sir, I made no attempt then.

Q. Did that blow disable you?—A. I was on the list for three days afterwards. I felt the effects of it for perhaps three weeks. I could not do any heavy work. I was cooking at the time on board ship, and I was not able to do any heavy work for sometime afterwards.

Q. Did you receive any other injuries than that from the blow of the musket or gun?—A. Another man hit me a little with his bayonet, but it only broke the skin a little—on the right side.

Q. Who was this other man?—A. One was a policeman and the other a soldier. One had red pants on.

Q. Were they both armed?—A. Yes sir.

Q. What caused the wound on your right side?—A. I don't remember, but I think it must have been from the bayonet. I did not see that, but I see the man hit me with the butt of a gun.

Q. Did you see the man on the right side with a bayonet?—A. Yes sir.

Q. Did you see him strike you with a bayonet?—A. No sir; but I felt the thing hit me. There was such confusion at the time that I could not swear to it.

Q. Did it cut through your shirt?—A. No sir, but the skin was broken. I showed some of the men in jail, afterwards.

Q. These 2 blows were made at about the same time?—A. Yes sir, just about the same time.

Q. About how many police and citizens were there there at that time?—A. I could not exactly say.

Q. About how many?—A. 4 or 5 perhaps.

Q. Did you see any crowd in the street at the time?—A. No sir, there was no crowd there at the time.

Q. How were you treated by the police on your way to the station?—A. They did not use me badly at all; they took me along very quietly.

Q. How were you treated at the prison? Were you well treated or badly treated?—A. No one bothered me there.

Q. How long were you in the prison?—A. About 24 hours.

Q. Where did you go then?—A. I came aboard ship. One of the officers came after us and took us aboard the ship.

Q. Did you have any weapons or knives or arms about you, on that day?—A. Not a thing at that time, of any description sir.

Q. Did you see any of the crew of the "Baltimore" with any weapons or arms, or knives about them, on that day?—A. No sir.

Q. Were you in uniform at the time you were arrested?—A. Yes sir, the same as I am now.

Q. Did you have any warning prior to going ashore, or when on shore, and if so, by whom was the warning given you?—A. No sir, I had no warning.

Q. You did not hear anything about it?—A. No sir, I was not expecting anything at all.

Q. Did you express any approval to any person when in Valparaiso, at any time, of the action of the police on that occasion?—A. No sir.

(Sgd.)

JOHN ROONEY.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John Rooney, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WARREN BROWN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the

Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Warren Brown, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

WARREN BROWN, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station?—A. My name is Warren Brown, and I am a second-class fireman on board the "Baltimore."

Q. What is your age?—A. 24.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore," in Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore at that place, between any Chilean sailors or others, and members of the crew of the "Baltimore," who were on shore at that place, on that day?—A. I did not see any.

Q. Were you arrested by the police on shore that day?—A. Yes sir.

Q. About what time in the day were you arrested, and where were you arrested?—A. About 7 o'clock in the evening.

Q. Where were you arrested?—A. I learned afterwards.

Q. Do you know now where you were arrested?—A. Yes sir; it was on Calle Esmeralda.

Q. Who was with you, at the time you were arrested?—A. John W. Freese.

Q. Were you both in uniform?—A. Yes sir.

Q. Was he arrested as well?—A. Yes sir.

Q. Why were you arrested?—A. I don't know.

Q. What were you doing at the time you were arrested?—A. Walking along the street peacefully and quietly.

Q. You were not molesting any person?—A. No sir.

Q. Or disorderly?—A. No sir.

Q. What was your condition as to sobriety?—A. For myself, I don't drink intoxicating liquors. I was sober.

Q. What was the condition of Freese?—A. Freese was sober.

Q. How many police were present when you were arrested?—A. Six.

Q. How were they armed?—A. Some of them had rifles.

Q. Had they bayonets?—A. Yes sir; rifles and bayonets. Others had bayonets without rifles.

Q. Were the bayonets fixed on the rifles of those who had rifles?—A. No sir.

Q. Was there anything of a crowd in the immediate vicinity of where you were arrested, that you saw?—A. No sir.

Q. How were you treated by the police when you were arrested?—A. We were treated roughly.

Q. Describe your treatment?—A. They came up behind, unawares, from the rear, grabbed us by the collar with one hand, and commenced beating us with cutlasses and carbines with the other.

Q. How were they beating you?—A. With swinging blows over the back and shoulders.

Q. What was the result of these blows that you got?—A. They blacked my eye here, and the side of my nose. (Pointing.)

Q. How was that done?—A. He struck me after he had my hands secured, with his fist.

Q. After your hands were secured? How were they secured?—A. Behind my back.

Q. Tied?—A. Yes sir.

Q. The police then struck you in your face with a bayonet while your hands were tied behind you. What were you doing or saying that they did that?—A. I was doing nothing; I was trying to demand an explanation.

Q. Were you resisting their authority?—A. No sir.

Q. Did you stop, or did you obey their orders?—A. I stopped short.

Q. Did they hit you because you stopped, or why did they hit you?—

A. By the appearance of them, I judged they hit me, because they were violent; to satisfy their desire.

Q. Why?—A. On account of their bad temper.

Q. What do you understand caused this bad temper?—A. I don't know; I had done nothing.

Q. Were you in uniform?—A. I was.

Q. Was Freese in uniform?—A. He was.

Q. How did they treat you afterwards, on the way to the station?—A. They drove us along. They stood behind us with a rifle and drove us along.

Q. With only one rifle?—A. The gang followed up with rifles and drove us ahead of them.

Q. When you say "the gang," to whom do you refer?—A. The police.

Q. How many were there?—A. Six altogether.

Q. Was there any other crowd about you at the time?—A. No sir, the street was clear.

Q. Were you kept with your hands tied behind your back until you reached the station?—A. Yes sir.

Q. Had you any weapon or arms of any kind about you, at the time?—A. I had a pen-knife.

Q. Had Freese any, to your knowledge?—A. I don't know, sir.

Q. Did you have any warning, prior to your going ashore or afterwards, and prior to your arrest, that there would probably be any trouble on shore?—A. No sir.

Q. How long did they keep you in prison?—A. Four days, about.

Q. Did you at any time, or to any person, in Valparaiso, express your approval of the action of the police on that day?—A. No sir.

(Sgd.)

WARREN BROWN.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Warren Brown the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard, at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF JOHN W. FREESE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared John W. Freese, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN W. FREESE having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station?—A. My name is John W. Freese; I am a first-class fireman on the U. S. S. "Baltimore."

Q. What is your age?—A. 35.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on shore with other members of the crew in Valparaiso, on leave, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance, occurring on shore that day, at Valparaiso, between any Chilean sailors or others, with members of the crew of the "Baltimore", who were there on leave?—A. Only what happened to myself.

Q. State all the facts and circumstances within your knowledge, relating to what occurred there that day.—A. There was me and Warren Brown of the "Baltimore", and we were walking the streets leisurely by ourselves. We were overtaken by six policemen or soldiers; they were soldiers in fact.

Q. About what time was this, and where was it?—A. I could not exactly say the time; somewhere around six o'clock.

Q. About where was it?—A. We were walking from the Plaza Victoria, towards the Mole; about two blocks from the water-front. I think it was the second street from the water-front.

Q. You were with Brown at the time?—A. Yes sir. I was severely hit over the head, with a musket, twice.

Q. By whom?—A. By one of the soldiers. I could not say exactly which.

Q. He was a soldier?—A. Yes sir.

Q. One of the soldiers, by whom you were arrested?—A. Yes sir; our hands were tied behind us, and they squeezed the skin and flesh off my arm with the nippers. The marks can be seen yet: (Showing). I was taken to the station-house from there.

Q. You and Brown, as I understand you, were walking quietly along the street?—A. Yes sir.

Q. Had you molested anyone?—A. No sir.

Q. Were you making a noise?—A. No sir.

Q. You were orderly?—A. Yes sir, we were orderly and talking in conversation with each other.

Q. How did these soldiers make their attack upon you?—A. Without any warning at all.

Q. Where did they come from? Which way?—A. They came in the rear.

Q. They came up behind you?—A. Yes sir,

Q. What was the first notice you had of the attack?—A. The first notice I had was, they came running up behind us and they took a musket and struck Warren Brown in front of the head; right in front of the eye.

Q. With the barrel of the musket?—A. I think it was the butt end of the musket. I could not say for sure. Another one struck me over the head and knocked me down in the street.

Q. What with?—A. With a musket.

Q. Had you said anything to these people?—A. Nothing at all.

Q. You were walking quietly along the street?—A. Yes sir.

Q. As I understand they came up behind you?—A. Yes sir, and surrounded us.

Q. Had they said anything to you before they struck the blows with their musket?—A. They may have said something, but we could not understand what they did say.

Q. Did you attempt to resist them, after they did strike you?—A. Not the slightest, because we did not know what it was about at all.

Q. Your hands, as I understand you, were tied behind your backs?—A. Yes sir.

Q. What occurred then?—A. I had to go along with them; they put the nippers on and dragged us along with them.

Q. Describe how they dragged you along?—A. They had a nipper on this arm here, and a soldier had hold of the stick which is attached to it and pulled me along.

Q. Were you pulling back, or going along?—A. No sir, I was not pulling back. I was not exactly what you might call dragged, but I was forced, as it were, to go along.

Q. Were you going as rapidly as he wanted to go?—A. Yes sir.

Q. Why did he pull you along then?—A. I don't know. On account of the malice that they had against us, I think.

Q. What did he say to you?—A. I could not understand.

Q. You could not understand anything at all?—A. No sir; I can not understand Spanish.

Q. Further on your way to the station-house or prison, what was the conduct of the police toward you?—A. Their conduct was pretty good towards me, because I followed them pretty freely, because I had to. On account of this twist that they had on me, I had to march as fast as they did, and could not do anything else. They did not molest me on the road much, as I know of, but I was pretty near unconscious on my road to the station, on account of the blows that I received on my head.

Q. How long were you kept at the prison?—A. About 26 hours.

Q. How did they treat you in prison?—A. They treated us pretty well, as far as prison fare is concerned.

Q. Just as well as they did their own men?—A. I suppose they did. I could not exactly say.

Q. Had you any knife or arms or weapon of any kind about you, on that occasion?—A. I had a small pen-knife, but I did not use it. I only carry it for cleaning finger-nails or anything of that sort.

Q. Did you see any of the others of the "Baltimore's" crew, have any knives or weapons?—A. No sir, I did not. There were several small pen-knives besides mine there.

Q. You were in uniform at the time you were arrested?—A. Yes sir.

Q. Did you have any warning that any trouble might occur, prior to going ashore, or after you got ashore?—A. All the warning I had was, on going ashore, the threats that sailors on the "Esmeralda" made towards us, shaking their fists at us, and making signs of cutting

throats; drawing their hand across their throats in this way. (Illustrating).

Q. What did you understand by that?—A. We did not know what they meant by it; but they meant nothing good by it.

Q. What was your condition as to sobriety at the time?—A. I was sober at the time.

Q. When you were released, did you go back to the ship with the rest of the men who were released at that time?—A. Yes sir, I went right back to the ship.

Q. Did you at any time, to any person in Valparaiso, express your approval of the action of the police towards the crew of the "Baltimore" on that day?—A. No sir.

(Sgd.)

JOHN W. FREESE.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that John W. Freese the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard, at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand, this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF PATRICK O'NEIL.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Patrick O'Neil, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

PATRICK O'NEIL having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station?—A. My name is Patrick O'Neil; I am a second-class fireman on board the U. S. S. "Baltimore".

Q. How old are you?—A. About 30 years.

Q. Were you attached to the "Baltimore", when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go ashore with other members of the crew of the "Baltimore", on liberty on the 16th day of October last in Valparaiso?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore at Valparaiso, that day, between any Chilean sailors or others, and mem-

bers of the crew of the "Baltimore" who were on liberty?—A. There was trouble, but I did not see any of it myself personally.

Q. Where were you?—A. I came ashore that day. I went and changed a pound, at the money exchange office, and went up the street, and went into a bar-room. I came out of that and went into another one. I came out of there. I left some of the sailors of the "Baltimore" in there, and went to have a walk-around. I went down as far as Murphy's machine-shop. I stood at the gate, and was looking in. A blacksmith was working close by the gateway inside of the shop. He saw me standing there and called me in. We got talking about the shop and one thing and another like that. I stayed there until about the time they closed up.

Q. What time was that?—A. I should think about six o'clock. When I came out of there, I asked this machinist to come around to Reilly's.

Q. What was he, an American?—A. No sir; he seemed to be a Scotchman by his accent. He said he had not been drinking any for some time and I bade him good evening.

Q. What were you drinking?—A. I had not been drinking nothing but beer. I left him then, and came around myself, up by Reilly's, where I left the other men. When I came up, the street was full of Chilanos. All the houses on that side of the street were all closed.

Q. Were you in uniform?—A. Yes sir. The Chileans had been all around those doors from what I could see, on the other side of the street, and there had been some trouble and the doors were all shut up. I came up the street, and a colored man was standing in his door, and I asked him to let me get in. He said "No; you cannot come in here; they will destroy my house and kill me, and kill you too".

Q. What did you want to get in there for?—A. I see the trouble in the street, and all those Chileans, and I wanted to get out of the way.

Q. Were they coming toward you?—A. No not then.

Q. Had they seen you?—A. No sir.

Q. What were they doing?—A. They were clamoring around these doors, making a row. I don't think in the excited way they were they noticed me.

Q. Were any of the "Baltimore's" men in these houses that you refer to?—A. I expect there were, but I could not say. I asked this man to let me get in for protection.

Q. What were you afraid of?—A. I was frightened of those men, in the way they were. They were in a state of excitement and uproar, all through the street. I expected there had been trouble, because we had been warned before about this trouble.

Q. Who warned you?—A. By people in those houses that we had been into.

Q. What did they say?—A. That there would be likely to be trouble, and not to be out after dark.

Q. Why did they expect trouble?—A. They did not say exactly why.

Q. What trouble did they expect?—A. They expected trouble between the Chileans and us. They did not express any opinion, what it was about. They said they would not advise us to be out after dark.

Q. Did you understand that you would be interfered with by anyone?—A. By those people saying so, putting us on our guard, we thought there would be something wrong, and the man would not let me in. I said "It is pretty hard, I have nothing to defend myself against those people if they attack me." I went straight up the street, right from the crowd. On the opposite side of the street there was

none of them, where I was. The trouble was on the other side. I kept on this side. As I got to the end of the street there was a lot of men there coming down the street towards those other men.

Q. What other men composed this knot of men?—A. They were composed of citizens. The other men that were down towards those doors, were mixed, citizens and Chilean sailors. When they see me, they commenced to come towards where I was. I made a break and I got right through.

Q. Did they attack you?—A. They came to do so. Had I stood, I guess they would have attacked me.

Q. What did they do?—A. They seemed to close in on me, to keep me in the street.

Q. About how many of them were there?—A. There might have been dozen or more. I made a break and got right through. I ran across the square. Just as I got to the opposite end of the square, two policemen got hold of me.

Q. Was the crowd pursuing you then?—A. Yes sir; they seemed to come after me.

Q. Did they follow you then?—A. Yes sir.

Q. What were they trying to do?—A. I don't know; they did not catch me, to do anything.

Q. What were you doing?—A. I tried to get away from them.

Q. Trying to escape?—A. Yes sir.

Q. These two policemen got hold of you?—A. Yes sir.

Q. How did they get hold of you?—A. Just grabbed me, when I came between them. They put those cat-gut nippers on my wrists and took me up to the jail.

Q. Did they tie your hands?—A. They put them on my hands, one on each side of me.

Q. How did they treat you?—A. I was taken up to the jail. They took some money off me there, and put me in the guard-house.

Q. How did the police treat you, when they arrested you?—A. They did not seem to treat me anyway rough. I went right along quiet with them.

Q. Did they tell you why you were arrested?—A. No sir; I understood afterwards in the jail, that we had been arrested for protection.

Q. Did you have any arms or weapons about you?—A. No sir; no arms or weapons or knife or nothing.

Q. You were in uniform?—A. Yes sir.

Q. Who gave you this warning, to which you refer?—A. It was in one of those bar-rooms that we were in on that street.

Q. What street was this, where you were arrested?—A. I don't know exactly the name of the street. It was just a little way from the landing; a cross street that runs across.

Q. Were you alone at the time you were arrested?—A. Yes, sir.

Q. Give a general idea of the place where you were arrested?—A. It was to the right of the landing, as you came up the square.

Q. How far to the right of the landing?—A. I can not just exactly say. It might be a couple of blocks up.

Q. Do you know the names of the streets?—A. No, sir; they are all Spanish names and are difficult to know.

Q. What was your condition as to sobriety at that time?—A. I was sober. I did not have no drink of any consequence, to make me drunk.

Q. What had you been drinking?—A. I drank about two glasses of beer, from the time I had been on shore.

Q. How long did they keep you in prison?—A. Until Saturday.

Q. Then you went off with the rest of the men who were released?
—A. I was released on Saturday night, along with the rest of the men. They did not find any charges against me, or the ones they let out that night.

Q. Did you express your approval at any time in Valparaiso, of the action of the police?—A. No sir, I never did.

(Sgd.)

PATRICK O'NEILL.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Patrick O'Neil, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to type-writing and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF PATRICK EAGAN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Patrick Eagan, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:—

PATRICK EAGAN, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating and station?—A. My name is Patrick Eagan, and I am a first-class fireman on board of the "U. S. S. Baltimore."

Q. How old are you?—A. Going on 47.

Q. Were you attached to the "Baltimore," when that vessel was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on shore with other members of the crew of the "Baltimore" on liberty, at Valparaiso, on the 16th day of October last?—A. Yes sir, I did.

Q. Do you know of any difficulty or disturbance which occurred on shore that day, at Valparaiso, between any Chilean sailors or others, and members of the crew of the "Baltimore," who were on shore at that place?—A. I did not see none.

Q. Were you arrested that day by the police at Valparaiso?—A. I was arrested that evening, yes sir.

Q. By the police?—A. Yes sir.

Q. What time was it, when you were arrested, and where?—A. A

little after dusk. I don't know what part of the city; it was in the southern part of the city.

Q. Was it to the right or left of the Mole?—A. It was to the right of the landing.

Q. About how many blocks?—A. About three blocks from the landing.

Q. Who was with you, when you were arrested?—A. No one.

Q. Just state the circumstances of your arrest. Describe it?—A. We were up in Reilly's, four of us belonging to the "Baltimore".

Q. What time?—A. About an hour after we went ashore. We had a drink there and Reilly said to us, "Boys, for God's sake don't be out after night."

Q. Reilly kept the place?—A. Yes sir.

Q. Why did he say not to be out after dark?—A. He said "The Chileans are after you, and if you take my advice, you will try and get a bed as quickly as possible."

Q. This was about an hour after you went ashore?—A. Yes sir, about an hour after we went ashore. We were in another saloon before we came there.

Q. This was early in the afternoon?—A. Yes sir.

Q. What time did you go ashore?—A. About one o'clock. We did not mind the threats that they were making, so we never bothered with it. We stopped in there a little while, and crossed the way with the intention of getting something to eat; O'Neil and Gallagher and Boyle, all of the "Baltimore", and me. While we were in there, coal-heaver Panter came in and said "Boys, our men are getting done up down at the Mole". Gallagher was the first one to start out. I followed him. He seemed to take a different route to what I did. I went down two blocks and turned to the left. Just as I was turning the corner, I was met by three policeman and arrested.

Q. About what time was this?—A. I could not tell you. It was after dark.

Q. What were you doing, when you were arrested?—A. I was walking along the sidewalk, going down towards where this trouble was.

Q. Were you making any noise, or molesting anyone?—A. No sir.

Q. Going quietly along the street?—A. Yes sir.

Q. What did they say to you, when they arrested you?—A. Nothing more or less, than they grabbed me and shoved me along about two blocks. Then I met another crowd of policemen with some more of our men.

Q. You say they grabbed you? Is that all they did when they arrested you?—A. That is all.

Q. Where did they take you?—A. To the station-house.

Q. How did the police treat you when they were taking you?—A. They did not treat me anyway rough, because I did not give them any reason for doing so.

Q. How long did they keep you in prison?—A. Five days.

Q. How were you treated in prison?—A. We got plenty of soup and bread to eat.

Q. Could you see this crowd near the Mole, which you were approaching, at the time you were arrested?—A. No sir.

Q. Had you any arms or weapons or knife about you?—A. No sir.

Q. Were you in uniform?—A. I was.

Q. What was your condition as to sobriety?—A. I was sober. Every man was guarding against this, on account of being warned when they came ashore.

Q. How do you mean guarding against this?—A. By not drinking too much.

Q. Did you, at any time, or to any person in Valparaiso, express your approval of the action of the police on that occasion?—A. No sir.
(Sgd.) PATRICK EAGAN.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Patrick Eagan, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF THOMAS GALLAGHER.

Be it remembered, that the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Thomas Gallagher, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

THOMAS GALLAGHER having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station.—A. My name is Thomas Gallagher; I am a first-class fireman on board the U. S. S. "Baltimore."

Q. What is your age?—A. 28.

Q. Were you attached to the "Baltimore," when that vessel was in Valparaiso, Chile in October last?—A. Yes sir.

Q. Did you go on shore on liberty, with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso between any Chilean sailors or others with the crew of the "Baltimore" who were on shore at that place and time?—A. No sir, I never seen any of this fight at all. I was sitting in a restaurant, and I got word from one of my shipmates, George Panter, who told me that Riffin the boatswain's mate was getting killed. I ran out down the street, and before I got to his rescue, I got run down by a mounted policeman on horseback. He drew a cutlass or sword and knocked me down on the street.

Q. Where did he hit you?—A. Across the eye.

Q. With a sword?—A. Yes sir, with the flat side of the sword.

Q. Did it cut you?—A. No sir, it blacked my eye only. Then a crowd of Chilean citizens kicked me.

Q. Did they close in on you?—A. Yes sir, and they kicked me.

Q. While you were down?—A. Yes sir.

Q. How many times did they kick you?—A. I don't know exactly; they kicked me there as long as they got leave, until the soldiers took me away from them.

Q. Did the soldiers stand by when the citizens were kicking you, and you were down?—A. Yes sir, but they broke in on the crowd and took me out, and took me to prison.

Q. While the crowd were kicking you, were the soldiers present?—A. No sir, they were not.

Q. How far off were they?—A. About two blocks off, coming down the street.

Q. As soon as the soldiers got there, as I understand you, they took you out from the crowd?—A. Yes sir.

Q. Did they drive the crowd back?—A. Yes sir.

Q. How much of a crowd was there?—A. About 20 or more.

Q. Chileans?—A. Yes sir; the soldiers or policemen took me away and put me in prison. They had the Chilean uniform on.

Q. How did they treat you, going to prison?—A. They treated me all right, but they allowed the citizens, while I was in their hands, to come and bang me on the face. They did not prevent them from doing it. They hurt me 4 or 5 times while I was in their hands, before I got to prison.

Q. The citizens did?—A. Yes sir.

Q. While you were on your way to the prison, in charge of the police?—A. Yes sir, and hand-cuffed; my hands were tied behind my back.

Q. With nippers?—A. With cords.

Q. While you had your hands tied behind your back, and were in charge of the police going to the prison, what occurred?—A. The citizens hurt me three or four times on my face with their hands.

Q. Did the police attempt to stop their striking you?—A. No sir; they never interfered. Then they let me go and run after some other of our shipmates.

Q. Who did?—A. The citizens.

Q. Who was with you at the time you were arrested? Any other sailors belonging to the "Baltimore"?—A. No sir; not until I came down a side street, and then I see 7 or 8 of our fellows all handcuffed going to prison.

Q. Where were you, when you were arrested?—A. I was running towards the Mole. I was on a street, to the right of the Mole, in a restaurant opposite Reilly's.

Q. You came out of the restaurant?—A. Yes sir, when Panter came and told me about Riffin.

Q. What time was it when you were arrested?—A. About a quarter to 6 o'clock.

Q. As I understand from your testimony, you were struck by a mounted policeman while you were running down the street?—A. Yes sir, to Riffin's rescue.

Q. Had this policeman ordered you to stop?—A. No sir, he run straight into me with his horse and knocked me down, first.

Q. Did he come face to you, or behind you?—A. He came up behind me. I could not run as hard as the horse.

Q. Were you running from him?—A. Yes sir, going towards Riffin, to see if I could lend him any assistance, but I did not get there in time.

Q. Did you know the policeman was trying to overtake you?—A. No sir, I did not think of him at the time. I was thinking of getting to Riffin's assistance.

Q. What was the first intimation you had, that the policemen wanted to overtake you, or arrest you?—A. He hit me over the face with his sword. At the same time that he run his horse into me, he drew his sword, and knocked me down, and before I could get up, a crowd of citizens got around me.

Q. Were you making any noise at the time, or were you disorderly?—A. No sir.

Q. Were you molesting any person?—A. No sir.

Q. Was there any crowd about you, at the time that you were knocked down by this mounted policeman?—A. Those citizens were standing there.

Q. Were they following you?—A. No sir, but when they see the policeman knock me down they came up and gathered round me.

Q. Had you any weapon or knife or arms of any kind about you?—A. No sir.

Q. Were you in uniform?—A. Yes sir, I was in uniform.

Q. Did you have any warning, prior to going ashore, or while on shore that day, that there might be trouble?—A. Reilly told me while in his house, that we had better keep together; that he thought there was going to be trouble. That was before I went to this restaurant to have my supper.

Q. What was your condition, as to sobriety, at the time?—A. I had not tasted any drink at all but one glass of beer. I was sitting, playing a game of checkers.

Q. Were you drunk or sober?—A. I was sober.

Q. How long did they keep you in prison?—A. Five days I think.

Q. How did they treat you, while in prison?—A. Pretty well considering; they gave us soup and bread twice a day.

Q. Did you, at any time in Valparaiso, or to any person there, express your approval of the action of the police on that day?—A. No sir, I did not.

(Sgd.)

THOMAS GALLAGHER.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Thomas Gallagher, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF ANDREW NELSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C. Judge Advocate-General, of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Andrew Nelson, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

ANDREW NELSON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station?—A. My name is Andrew Nelson; I am a seaman on board the "U. S. S. Baltimore."

Q. How old are you?—A. 38 years old.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the "Baltimore" on the 16th day of October?—A. Yes sir.

Q. Do you know of any difficulty or disturbance, which occurred on shore that day at Valparaiso, between any Chilean sailors or others, and the members of the crew of the "Baltimore," who were on liberty?—A. No sir.

Q. What occurred on that day, when you were on shore?—A. I was locked up.

Q. You were arrested?—A. Yes sir.

Q. By whom were you arrested, and where?—A. By soldiers or police; I don't know which.

Q. Where were you arrested?—A. Up in the square.

Q. What square?—A. Intendente Square.

Q. What time was this?—A. About sundown.

Q. What were you doing, when you were arrested?—A. I was just walking along the street.

Q. Were you in uniform?—A. Yes sir.

Q. Were you molesting any person?—A. No sir; I was walking with a couple of men unknown to me.

Q. Citizens?—A. Yes sir.

Q. They did not belong to the ship?—A. No sir. They told me not to go the way I was going, but to go back. I was going down the street.

Q. Not to go down, towards the Mole?—A. Yes sir. I turned back, and was taken.

Q. Why did they tell you not to go down?—A. I don't know except because there was trouble there.

Q. You were arrested then, as I understand, in front of the Intendencia?—A. Yes sir.

Q. What did the police do, when they arrested you?—A. They grabbed me, one by each arm.

Q. What did they do with you?—A. They just carried me further down the street, and got a few men belonging to the "Baltimore," and took us up to the station.

Q. How did they treat you when they arrested you, and were taking you to the prison?—A. They treated me all right.

Q. How were you treated in the prison?—A. Very well, so far as I could judge, but some grub that was sent to us we did not get.

Q. How long did you remain in prison; when were you released?—A. I could not tell exactly. It was Wednesday, I believe. I was five days in prison.

Q. Was any charge made against you?—A. No sir.

Q. Did you have any arms or knife, or anything about you, on that occasion?—A. No sir.

Q. Did these other men of the "Baltimore," that you saw, have any arms or weapon, or knife, that you saw?—A. No sir. When I was picked up by the police, they took some things from me; my lanyard and some small things.

Q. You got them back again?—A. No sir, the police robbed me of them.

Q. Did they do this, before you got to the station-house?—A. Yes sir, as soon as they took me, three of them, a fourth one felt all over me. I had a knife, fork and spoon, and a bottle of shaving-water, and a rule.

Q. What kind of a knife?—A. A table-knife. I had bought these things on shore that day.

Q. Was it a regular table-knife?—A. Yes sir.

Q. What did you buy it for?—A. For my use in the mess.

Q. Was it a sharp-pointed knife?—A. No sir. A regular table-knife.

Q. Did you have any warning about any trouble that might occur on shore that day?—A. No sir.

Q. Were you sober?—A. I was sober.

Q. Did you express your approval of the action of the police on that day, to anyone in Valparaiso, or at any time?—A. No sir.

(Sgd.)

ANDREW NELSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States, for the Northern District of California, do hereby further certify that Andrew Nelson the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the office building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF NEIL BOYLE.

Beit remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the office of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed.

and qualified, personally appeared Neil Boyle, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

NEIL BOYLE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rank, and station?—A. My name is Neil Boyle; I am a private in the U. S. Marine Corps, on board the U. S. S. "Baltimore".

Q. What is your age?—A. 31.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty, with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. I did.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso, between any Chilean sailors, or others, with the members of the crew of the "Baltimore", who were on shore?—A. No sir.

Q. You did not see any disturbance?—A. No sir.

Q. What occurred to you on that day, on shore?—A. Nothing, no more than I was told on shore that if I intended to stop on shore over night, I had better get in doors before it got dark.

Q. Who told you that?—A. I forget now. I don't recollect the name of the saloon.

Q. Why did they advise you to get in before dark?—A. They told us there was going to be trouble between the Chilean sailors and the American sailors.

Q. What did you understand by that?—A. They told me as much, that there was going to be a fight between them.

Q. Who was going to fight?—A. The Chileans.

Q. Who were they going to fight?—A. The Americans.

Q. Were you arrested that day?—A. I was arrested that night.

Q. What time was it, that you were arrested, and by whom, and where?—A. A little after dark.

Q. Who arrested you?—A. The police.

Q. Where were you, when you were arrested?—A. Right at the back of the market, to the right of the Mole; near the Mole.

Q. About what time was it, that you were arrested?—A. After dark.

Q. Was it soon or long after dark?—A. Soon after dark.

Q. What were you doing, when you were arrested?—A. Me and Condy Boyle had been in the hotel before this.

Q. What hotel?—A. I think it was Reilly's, and Gallagher and Paddy Eagan of the "Baltimore" were waiting for supper.

Q. Where?—A. I think it was in Reilly's, and that fellow Panter, a coal-heaver on board the "Baltimore", came in there, and he told us, that Riggan, the boatswain's mate belonging to the "Baltimore" was getting cut up, towards the "Shakespeare." After that this man that belonged to the hotel shut up all the doors, and kept those that were in there inside, and those that were out he would not let in, for half an hour.

Q. Were you in or out?—A. I was in; after that half an hour was up, he opened the door, and I says to Con Boyle "Come on; let us take a walk up that way, and see if there is any truth in it." During that time we were arrested.

Q. What were you doing when you were arrested?—A. Nothing; we was going up the street.

Q. Were you making any noise?—A. No, sir.

Q. Were you disorderly in any way, or were you molesting any one?—
A. No sir.

Q. Were you arrested by the police?—A. Yes sir.

Q. How many of them arrested you?—A. I should think there would be about 50.

Q. Fifty police?—A. Yes sir.

Q. At the time you were arrested?—A. Yes sir, there was a large crowd there.

Q. They were not all police?—A. There were some civilians there too.

Q. What were the circumstances of your arrest? What occurred? What did the police do?—A. They took us right on up to the station-house.

Q. Did they treat you well, or how did they treat you?—A. I was treated pretty well.

Q. By the police?—A. Yes sir; they simply marched us right up.

Q. Did anything else occur to you?—A. Nothing.

Q. Did they take you to prison?—A. Yes sir.

Q. How long were you kept there?—A. Until next evening.

Q. How did they treat you in prison?—A. Pretty well; as well as you could expect there. Soup and a roll of bread.

Q. Did you have any weapon or knife of any kind about you?—A. No sir.

Q. Did any other members of the crew of the "Baltimore" have any arms of any kind, or knives?—A. No sir.

Q. What was your condition as to sobriety, at the time?—A. I was sober.

Q. What was the condition of the other men belonging to the "Baltimore" who were with you at that time?—A. They were sober also.

Q. Did you at any time, or to any person in Valparaiso, express your approval of the police, on that occasion?—A. No sir.

(Sgd.)

NEIL BOYLE.

UNITED STATES OF AMERICA.

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Neil Boyle, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF CHARLES H. GUTH.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Charles H. Guth, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

CHARLES H. GUTH, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is Charles H. Guth; I am a first-class fireman on board the U. S. S. "Baltimore".

Q. Were you attached to the "Baltimore" when she was in Valparaiso, in October last?—A. Yes sir.

Q. Did you go on liberty, with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso between any Chilean sailors or others, with the crew of the "Baltimore", who were on shore?—A. Yes sir.

Q. State all the facts and circumstances in your knowledge relating to any such disturbance or difficulty?—A. The only trouble that I had, or fight that I see, was when I met William Sullivan of the "Baltimore". He was running down an alley-way that goes into Calle Cochran and a crowd was after him.

Q. What time was that?—A. About half past 4 or 5 o'clock.

Q. Near dusk?—A. Yes sir. They were chasing him up. They were hollering and making lots of noise, and throwing anything they could lay their hands on.

Q. What was this crowd composed of?—A. Chilanos, soldiers, sailors, citizens and all. Sullivan came by me, and he says "For God's sake, get out of the way. They are killing our fellows." I was going to stand by and give him a hand, but he gave me a push and pushed me into a sort of a store that was right on the alley, trying to get me out of sight of the mob. He was cut over the eye when I see him.

Q. Was he in uniform?—A. Yes sir.

Q. Were you in uniform?—A. Yes sir. Then I got out of that store, and some one picked me up and hit me.

Q. Who did?—A. Some of the citizens.

Q. Some of this crowd?—A. Yes sir.

Q. About how many do you suppose there were at that time?—A. I could not count them. They were swarming.

Q. About how many should you judge?—A. That alley-way and that corner, was full of them.

Q. What were they saying, anything?—A. They were yelling amongst each other. I could not understand. I was busy looking for something to defend myself with.

Q. Did you understand anything that they said?—A. No sir; they must have hit me with a stick. It kind of fuddled me like.

Q. Did they attack you?—A. Yes sir.

Q. Did you offer any insult or do anything to molest anyone?—A. No sir, I kept my mouth shut.

Q. What were you doing?—A. I was going up Calle Molina.

Q. Were you orderly or disorderly?—A. Orderly, the same as I am now. I did not intend to drink anything that day, on account of hearing about the trouble.

Q. What did you hear about the trouble?—A. Me and Pfeiffer were the two last men that left the dock. We were waiting for a friend of ours. We were the last two blue-jackets on the Mole, and two citizens were there.

Q. You mean when you first landed?—A. Yes sir. They were making a remark about us, that there were a fine body of men going ashore, and if they would stick together, we would make a good show for a fight.

Q. Two citizens?—A. Yes sir. They spoke English, and that is the reason I understood them.

Q. Were they talking to you?—A. No sir, among themselves. I stood as far as from here to the corner of the table, away from them. One man made the remark that he thought we would scatter too much.

Q. What kind of a fight were they talking about; what did you understand they meant?—A. I suppose they had an idea there was going to be a general row.

Q. Did they say so?—A. No sir, only what I heard about the fight; that they would make a good show, if there was a fight.

Q. Did you understand from what they said, that there was probably to be a fight?—A. I could not definitely take it from that, that there was to be a fight, but I had an idea, and I thought it best to stay sober, and not drink anything.

Q. Stay sober, in case there should be a fight?—A. Yes sir, so that I would have my wits about me, and know what I was doing.

Q. Was this crowd that you referred to just now, following you?—A. No sir; they partly hung on to me, and partly switched on to Sullivan.

Q. How do you mean, hung on to you?—A. They surrounded me.

Q. What did they do then?—A. They tried to get my money away.

Q. Did they take hold of you?—A. They had me by the throat; one man had me by the neckerchief.

Q. Who was he?—A. A citizen.

Q. Were they searching you?—A. Yes sir, trying to search me; while they were doing that, two policemen, came around and chased them away, and they took me down to where the Intendencia is.

Q. Who did?—A. These policemen took me down that way, and on the way down, a fellow came up and hit me with a cane again.

Q. While the police were with you?—A. Yes sir; the police did not seem to chase them away. They kind of held me there, and the mob gave me 3 or 4 raps across the head.

Q. How did they have you?—A. By the elbows.

Q. How many had hold of you?—A. Two.

Q. One on each side?—A. Yes sir.

Q. They held you by the elbows?—A. Yes sir, walking with me.

Q. Taking you to the station-house?—A. Yes sir.

Q. Who were these people that assaulted you?—A. Chilanos.

Q. Did the police interfere when these citizens assaulted you?—A. No sir.

Q. Did they try to to keep these people away from hitting you or not?—A. No sir, they did not offer no protection; they just walked off with me; it was not far from the Intendencia.

Q. You were in charge of the police, one on each side holding you?—A. Yes sir.

Q. While they were holding you, they let the crowd that was following you, strike you?—A. Yes sir.

Q. What did they strike you with?—A. With a cane.

Q. Where did they strike you?—A. On top of the head.

Q. What did the police do?—A. They did nothing; they kept going right on with me, on a sort of a trot like.

Q. Did they not try to protect you from the citizens while they had you in charge?—A. No sir. I managed to duck my head to evade most of the blows, and the policemen ran away with me, and put me into the gate. I must have got a rap on my head, for I did not remember nothing after I got in there.

Q. What gate?—A. The gate of the Intendencia.

Q. Who gave you this rap on the head?—A. I don't know.

Q. Do you mean that by reason of this knock on the head you became unconscious?—A. Yes sir. I can remember right to the entrance of the gate, and I cannot remember any further until I left there again.

Q. Was this knock given you by the police or the crowd that was following you?—A. That I can not say. I got it behind.

Q. You were in charge of the police?—A. Yes sir.

Q. They had hold of you on each side?—A. Yes sir.

Q. You state you do not remember anything after you got this blow, until you got out of the Intendencia?—A. No sir.

Q. What occurred after leaving that building? What occurred on the way to prison?—A. They got me up about half past 11 or 12 o'clock, somewhere at midnight, from this lower prison, near the Intendencia prison, and got me out on a cart.

Q. Who did?—A. Some soldiers.

Q. Were they armed?—A. They had side-arms, with a belt on. They put me in a cart.

Q. Were there any other people in the cart?—A. Yes sir; there was a corpse.

Q. What corpse?—A. A dead blue-jacket.

Q. Belonging to the "Baltimore"?—A. Yes sir.

Q. Who was he?—A. Riggin, I should judge, from seeing the crow on his arm.

Q. What do you mean, the badge of a boatswain's mate?—A. Yes sir.

Q. Had you any doubt that it was Riggin?—A. Not in the least.

Q. The body of Riggin was in this cart that they placed you in, to take you to prison?—A. Yes sir.

Q. Where did you leave the cart?—A. The cart left me at the Plaza Victoria, and I made sure to see what they were going to do with what was in the cart with me, and I stopped and turned round, the same as I naturally would look, and the cart proceeded up the street, and they put me in the guard-house.

Q. Who did?—A. The guard at the gate.

Q. Then the cart went on, as I understand you, with the body of Riggin?—A. Yes sir.

Q. How did they treat you in this prison?—A. First I was put in the guard-house at the entrance to the gate, and then some fellow with a crooked leg that molested me down below, he was up there again.

Q. Was he a civilian?—A. Yes sir. He commenced to talk some Spanish to me, but I could not understand.

Q. You do not speak Spanish?—A. No sir; he showed me a revolver he had found somewhere, and I kind of got back out of the way, and he hit me over the head with a stick.

Q. What authority did he have there? Was he an official of any

kind?—A. No sir, he looked to be a hanger-on, or a loafer. I could not retaliate, there were so many soldiers, and they all had arms.

Q. Did they stand by, and allow him to strike you?—A. They were enjoying themselves, laughing at him.

Q. Did they interfere to protect you against his assaults?—A. No sir.

Q. They allowed him to assault you?—A. Yes sir.

Q. Did he strike you more than once?—A. Only once. Then I made a noise, and they took me up, and put me along with the rest.

Q. What kind of a noise?—A. A rumpus.

Q. What for?—A. I wanted to get out. They put me in a big cell along with my other shipmates.

Q. You wanted to get out of where?—A. Out of jail; out of this room.

Q. How were you treated, after you were placed in the prison?—A. With the rest of the fellows?

Q. Yes?—A. All right; I could not complain.

Q. Did you see any of these civilians, to whom you have referred, about the prison at that time, after you got locked up?—A. After daylight, the same fellow who hit me came round again.

Q. The next morning?—A. Yes sir.

Q. What did he do then?—A. He was cursing the Americans that were there. I think he was an ex-soldier who belonged there; they all knew him.

Q. Did they have you in a small cell?—A. In the guard-house.

Q. What occurred there?—A. That is where this fellow hit me with a stick, and kind of spat on me.

Q. Where were you, behind the door?—A. I was in the guard-house along with the rest.

Q. Were your hands tied?—A. No sir.

Q. He spat on you?—A. Yes sir, like that (illustrating).

Q. Had you any weapon or knife or anything of that kind about you?—A. I had a knife with a broken blade for cutting tobacco.

Q. A pen-knife?—A. Yes sir, a knife with a blade half off. I could not do nothing with it.

Q. Had you received any warning prior to going ashore, or after you got ashore, to the effect that there might be trouble there?—A. The only warning that I had was, from those two citizens that I have spoken of.

Q. What was your condition as to sobriety on that occasion?—A. I was sober.

Q. How long did you remain in prison?—A. Until Mr. Sears took me out.

Q. You went to the ship, with the other men when they were released the next day?—A. Yes sir.

Q. Did you, at any time, at Valparaiso, to any person there, express your approval of the action of the police on that day?—A. I expressed nothing.

(Sgd.)

CHS. H. GUTH.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Charles H. Guth, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy

Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF ALFRED PFEIFFER.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, A. D., 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Alfred Pfeiffer, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

ALFRED PFEIFFER, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. My name is Alfred Pfeiffer; I am an oiler on board the U. S. S. "Baltimore".

Q. What is your age?—A. 31.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes, sir.

Q. Did you go on shore at Valparaiso, with other members of the crew of the "Baltimore" on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred at Valparaiso on that day between any Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty?—A. I see a little bit.

Q. State all the facts and circumstances within your knowledge, relating to any such disturbance or difficulty?—A. It was about half past 5 o'clock. I was near the Mole on the right hand side of the street, and some one said there was trouble down on the Mole, between our fellows and some Chileans. I went down there.

Q. What time was this?—A. It must have been near 6 o'clock.

Q. About dusk?—A. Between half past 5 and 6. I went down there and there was a big mob there; quite a large number of people.

Q. About how many?—A. About a couple of hundred, I should judge.

Q. What did they consist of?—A. Citizens.

Q. Did you see any Chilean soldiers or sailors?—A. No sir, I did not have much time to look at them at all. I was near the railroad track which crosses the place. I was on the up-town side, and the Mole was on the water side of the railroad track. As soon as they saw me, they commenced to fire stones at me.

Q. The mob did?—A. Yes sir.

Q. Were you in uniform?—A. I was in uniform. All I could do was, to take to my heels.

Q. Did they close on you?—A. They chased me for a little bit. As

soon as they saw me, they came across. First the stones came, and then they came after me and chased me.

Q. What were you doing?—A. I was doing nothing.

Q. Were you molesting anyone?—A. No sir.

Q. Were you saying anything?—A. No sir.

Q. Was your conduct orderly?—A. I was sober and in my full senses, the same as I am now. Then I went to the left, and ran for about two blocks, and slowed down, and walked a big distance in the direction of the Plaza Victoria. There I saw Hamilton. He was lying on the sidewalk with his head on a door-step. There was a soldier standing over him, and a few more round there.

Q. What were they doing?—A. They were not doing anything.

Q. Who is Hamilton?—A. A carpenter's mate on board the "Baltimore". I said "Is that you, Johnny?" He said "yes." He was complaining about his back.

Q. What did he say about his back?—A. He did not say anything. He was just retching. His face was all full of blood. I recognized him by his hair which was white.

Q. What did he say when you spoke to him?—A. He did not say anything. When I asked him if it was him, he just said "yes." He had his hand on his side swaying to and fro. I tried to get him away from there and into a drug-store, with the assistance of another ship-mate of mine, and they would not allow me to do it.

Q. The police would not allow you to do it?—A. No sir. Then I walked away from there and walked towards the square a big distance.

Q. What square?—A. Near the Plaza Victoria.

Q. You walked up towards near the Plaza Victoria?—A. Yes sir; there was one mounted and 5 or 6 soldiers; soldiers or police officers.

Q. Were they armed?—A. Yes sir.

Q. What with?—A. Rifles. The man on horseback had a drawn sword in his hand. They came up and took hold of me.

Q. How near were you to the Plaza Victoria then?—A. I could not be very far away from there, because it was only 10 minutes afterwards that they got hold of me that I was inside the prison-door.

Q. Were you going in the direction of the plaza?—A. Yes sir.

Q. Were you making any noise at the time you were arrested?—A. No sir.

Q. Were you molesting anyone?—A. No sir.

Q. What were you doing?—A. I was not doing anything.

Q. What were you going that way for?—A. To get away from there.

Q. Away from where?—A. From the mob. I wanted to go to the better part of the city.

Q. You were going to escape from the mob?—A. Yes sir.

Q. Running or walking?—A. I was running for about two blocks and then I slowed down.

Q. You were walking, when you were arrested?—A. Yes sir.

Q. Did the police come up in front of you, or behind you?—A. In front of me.

Q. What did they say?—A. "Come on."

Q. Did they take hold of you?—A. Yes sir.

Q. How did they treat you?—A. I can not complain.

Q. Then they took you to prison?—A. Yes sir.

Q. How long did you stay in prison?—A. I came up about half past 6, and they searched me, and then I stayed there until after 7 o'clock on Saturday night when Mr Sears took us out.

Q. Then you returned to the ship?—A. Yes sir.

Q. Had you any arms or weapon, or knife about you at the time?—A. No sir.

Q. Were you alone at the time you were arrested?—A. Johnson, the gunner's mate on the "Baltimore", was with me at the time.

Q. Was he arrested too, at the same time?—A. Yes sir.

Q. Was he in uniform also?—A. Yes sir.

Q. Did you have any warning while you were ashore, or prior to going ashore, that there would be probably trouble that day?—A. I did, several warnings.

Q. By whom?—A. At the places I was in—saloons.

Q. That day while you were on shore?—A. Yes sir.

Q. What were the warnings?—A. They told me "you had better look out for yourself after dark and keep in doors, as there might be a wro."

Q. There might be a row with whom?—A. Between the Chileans and us.

Q. What did they expect. What did these people who warned you, say they expected would happen?—A. They expected there would be trouble.

Q. By whom? What kind of trouble?—A. They might tackle us.

Q. Who might tackle you?—A. The Chileans.

Q. Was that the idea?—A. Yes sir.

Q. You were warned that you might be attacked that night?—A. They warned us not to be outside after dark, as we might be attacked by the Chileans.

Q. What was your condition as to sobriety that afternoon, and when you were arrested?—A. I was sober. I drank nothing but beer myself.

Q. How much beer had you drunk?—A. 3 or 4 glasses, I guess.

Q. What was the condition of Peter Johnson?—A. He was sober.

Q. Did you, at any time to any person in Valparaiso express your approval of the action of the Police on that occasion?—A. No sir, I never did.

(Sgd.)

ALFRED PFEIFFER.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Alfred F. Pfeiffer, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF ADOLPH SWANSON.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, A. D. 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Adolph Swanson, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

ADOLPH SWANSON, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and station?—A. My name is Adolph Swanson; I am a seaman on board the "U. S. S. Baltimore".

Q. What is your age?—A. 27.

Q. Were you attached to the "Baltimore" when she was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on liberty with other members of the crew of the "Baltimore" in Valparaiso, on the 16th day of October last?—A. Yes sir, I went on liberty with the regular liberty party.

Q. Do you know of any difficulty or disturbance which occurred on shore that day, between Chilean sailors, or others, and members of the crew of the "Baltimore" who were on liberty?—A. I did not see any.

Q. Were you arrested that day?—A. Yes sir.

Q. By whom and where?—A. I was arrested by the Chilean police in a place called the "Rainbow".

Q. About what time was that?—A. At about 8 o'clock at night.

Q. Who was in there with you?—A. There was a big crowd of men from the "Baltimore".

Q. Were they all arrested?—A. Yes sir.

Q. About 8 o'clock at night?—A. Yes sir.

Q. What were you doing, when you were arrested?—A. We were not doing anything.

Q. Were you making any noise or disturbance?—A. No sir.

Q. What did the Chilean police say was the cause of your arrest? Why did they arrest you?—A. We could not find out. No one could understand Spanish.

Q. Just describe the circumstances attending your arrest on that occasion by the police. How were the police armed?—A. They were armed with sword bayonets.

Q. Go ahead and describe the scene?—A. They came into the saloon where we were, and got hold of some of us, and kind of pushed us out.

Q. Out of where?—A. Out of this place, the "Rainbow", and made us understand, that they wanted to arrest us. They took us up to the jail and kept us there.

Q. How did they treat you when they were taking you to jail?—A. They were shoving us on; they wanted us to go as fast as they wanted, and pushed us once in awhile.

Q. What were they pushing you with?—A. Through the crowd of people there.

Q. How did they push you?—A. With their hands.

Q. The police pushed you with their hands?—A. Yes sir.

Q. Did the crowd interfere with you while you were being pushed along?—A. No sir.

Q. Did anyone strike you?—A. No one struck at me.

Q. Were you secured in any way, when you were arrested?—A. No sir.

Q. Just taken to the station?—A. Yes sir.

Q. About what time was this?—A. About 8 o'clock at night.

Q. Near the restaurant, the "Rainbow"?—A. In the "Rainbow."

Q. What is the "Rainbow"?—A. It is a saloon.

Q. What was your condition as to sobriety, at that time?—A. We were all sober, as far as I could see.

Q. How long were you kept in prison?—A. I was kept there two days.

Q. Then did you return to the ship?—A. Yes sir.

Q. Had you any arms, weapons or knife, or anything of that kind, about you?—A. No sir.

Q. Had any of the other members of the crew, to your knowledge?—A. Some of them had pen-knives.

Q. How did you know they had?—A. I see them.

Q. When did you see them?—A. In the jail.

Q. You did not see them outside?—A. No sir, I know one had, because he bought one.

Q. Where did he have it, when he was in jail. Did he have it out or in his pocket?—A. Out of his pocket. They took it from him in Jail.

Q. Were you in uniform?—A. Yes sir.

Q. Were the others to whom you refer, in uniform?—A. Yes sir.

Q. Did you at any time, to any person in Valparaiso, express your approval of the action of the police on that occasion?—A. No sir, I did not.

Q. Did you have any warning ashore, or prior to going ashore, that there might be any difficulty that night?—A. I did.

Q. From whom?—A. When we first came ashore, we went to a saloon called the Shakespeare, and the man who keeps the saloon told us he was going to close up at 4 o'clock, as he feared trouble.

Q. What time was it, when you left there?—A. Between 3 and 4 o'clock.

Q. What trouble did he anticipate?—A. He expected to see some fight.

Q. By whom?—A. By Chileans and Americans.

Q. What did he mean?—A. I don't know.

Q. Did he mean that the Americans were going to attack the Chileans?—A. No sir; the Chileans would attack the Americans, I thought. I understood that the Chileans were waiting for the Americans.

(Sgd.)

ADOLPH SWANSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Adolph Swanson, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard, at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the wit.

ness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF EDWARD DUNCAN.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Edward Duncan, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

EDWARD DUNCAN, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. My name is Edward Duncan; I am an ordinary seaman; stationed on the U. S. S. "Baltimore".

Q. What is your age?—A. I am 20 years of age.

Q. Were you attached to the U. S. S. "Baltimore", when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty, with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore at Valparaiso that day, between Chilean sailors, or others, and members of the crew of the "Baltimore" who were on liberty there?—A. I didn't see any until that night; until we got off the car.

Q. State all the facts and circumstances within your knowledge, relating to any such difficulty or disturbance.—A. As soon as we went ashore, we went up to the "Rainbow" Saloon, and we had two bottles of beer apiece there; and then we went up to eat supper.

Q. Who was with you at that time?—A. Seaman Jarrett.

Q. You had two bottles of beer at the "Rainbow" apiece?—A. Yes sir; and then we went up town to get supper.

Q. Did you get supper after you left the Rainbow Saloon?—A. Yes sir.

Q. Where did you go for supper?—A. We went up towards the Plaza Victoria.

Q. You went up towards the Plaza Victoria and got supper. What occurred then? What time was that?—A. That was in the evening, before six o'clock.

Q. About six o'clock, was it?—A. Yes sir; it was very near six o'clock.

Q. Was it getting dark?—A. Yes sir, it was getting dark. We came out of there. It was dark after we left there.

Q. Did you get supper there?—A. Yes sir.

Q. Then what occurred?—A. When we came out of there, it was near dark, and we got on a street car, and came down again.

Q. You got on a street car and came down where?—A. Down to-

wards the Mole; down towards the Rainbow saloon again. We saw son ebody standing in the crowd. It was Nelson.

Q. What crowd?—A. There was a crowd of soldiers around Nelson.

Q. Who is Nelson?—A. He is a seaman.

Q. He is a seaman on the "Baltimore"?—A. Yes sir, of the "Baltimore."

Q. You saw a crowd standing about him?—A. Yes sir. Then we got off the street car to see what was the matter with him. We didn't hear anything about the row before that. We got off the car to see what was the matter with him; and as soon as we got off, we met three citizens, and they told us we had better go and turn in; that there was a big row, and a couple of our fellows were killed.

Q. Did these citizens speak English?—A. Yes sir; they were merchant sailors.

Q. Were they friendly disposed towards you?—A. Yes sir; they were friendly. They told us to go and turn in.

Q. On account of what?—A. To keep us out of the row.

Q. Is that what they advised you?—A. Yes sir; they told us there was a big row, and for us not to get into it.

Q. What was the occasion of their saying that?—A. I don't know; they didn't tell us. They just told us there was a row there.

Q. Among whom?—A. Among our fellows and the Chileans. And as we were walking away, the police and soldiers surrounded us.

Q. Surrounded who?—A. They surrounded me and Jarrett.

Q. About how many policemen surrounded you?—A. I don't know; there was a big crowd of them.

Q. Were there many other people there?—A. Yes sir; this square was crowded with citizens besides. It was down near some monument. I don't know the name of it.

Q. Down near the Mole?—A. Yes sir; right up from the Mole. As we walked away, they surrounded us. We didn't know what they surrounded us for. We didn't do anything. And Jarrett thought he would take a sneak; run away.

Q. Were you both in uniform?—A. Yes sir; we were both in uniform.

Q. What did they do when they surrounded you?—A. They just surrounded us. We didn't know what they wanted, and Jarrett made a start to run, and I went to follow him. He could run faster than I could, he got away. I stood and I got hit with a rifle in the ribs.

Q. Were you trying to run when they hit you?—A. Yes sir. We didn't know what they would do. One of the men hit me with the butt end of his piece, and I stood; I didn't run any more.

Q. Did it hurt you?—A. It did at the time.

Q. Did he hit you any more than once?—A. No sir. Jarrett got hit down the street. I didn't see him get hit.

Q. What did the police do with you then?—A. They kept passing us from one to another; and they brought us down to the Mole. I saw Jarrett coming back with his face split here, (showing); his nose split, where he got struck.

Q. The police passed you from one to another, going from where?—A. Going down to the Mole. Just before we got to the Mole, there was a couple of citizens around there, and they pulled revolvers out, and got around us right in front of a little tobacco store.

Q. What did they do?—A. They pulled revolvers out, and pointed them in our faces.

Q. Were the revolvers loaded?—A. I don't know.

Q. What did they say?—A. I couldn't understand what they said. It was in their own language.

Q. What did they do then?—A. They passed us down the dock. They got Nelson, Sullivan, Jarrett, Christie and myself together; and took us all. They put catgut around our wrists, and took us up to the police station.

Q. Who was it took you there?—A. The policemen.

Q. Not the citizens with the revolvers?—A. No sir.

Q. Were the policemen present when the citizens were there with revolvers?—A. Yes sir, they were all around us, passing us down.

Q. What were the citizens doing? Were they acting with the police or not?—A. I don't know. I guess they were with the police. There was one of them came up as far as the jail with us.

Q. What did he do?—A. The same man that pulled a revolver in front of our faces, we seen around the next day in jail. The boy Hodge was standing at the door of the cell in the jail, I don't know what he was saying, and the citizens pulled a revolver out, and shoved it in through the bars at him. Patrick O'Neil and Sullivan were there.

Q. Did you see it?—A. Yes sir.

Q. Why did he do that?—A. I don't know. I suppose he thought Hodge could speak Spanish, and would not speak to him.

Q. How did they treat you after they arrested you, and while they were taking you to the jail?—A. They didn't treat us exactly right.

Q. How did they treat you?—A. They kept jerking on my arm, pulling my arm.

Q. Who did?—A. The policeman that had me.

Q. The policeman that had you kept pulling you by the catgut on your wrist?—A. Yes sir. I was walking as fast as I could.

Q. Did you make any resistance?—A. No sir.

Q. Were you walking as well as you could?—A. Yes sir.

Q. Why did he pull and haul you then?—A. I don't know. He kept pulling, and speaking in his own language, cursing, I guess.

Q. Were any assaults made on you while you were going to prison in charge of the policeman?—A. No sir, only by his pulling on my wrist.

Q. Did anybody assault you?—A. Yes sir. Jarrett came up to speak to me as we were going to jail, and as soon as he spoke to me a policeman hit him in the head.

Q. Were you assaulted by any person in the crowd, as you went along with the police?—A. No sir.

Q. Did you have any weapons, knives or arms with you on that occasion?—A. No sir.

Q. Did any other members of the crew of the "Baltimore," to your knowledge?—A. No sir; not that I know of.

Q. What was your condition as to sobriety at the time?—A. I was perfectly sober, sir. I had only had two bottles of beer all day.

Q. What was the condition of Jarrett as to sobriety?—A. Jarrett was just the same; perfectly sober. We were together all the time. We left the ship together.

Q. Was he drunk or sober?—A. He was sober.

Q. Did you at any time at Valparaiso, to any person there express your approval of the action of the police on that occasion?—A. No sir. I didn't speak to anybody about the police at all.

(Sgd.)

E. DUNCAN.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further

certify that Edward Duncan, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF HENRY CUNNINGHAM.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Henry Cunningham, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

HENRY CUNNINGHAM, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rating, and present station?—A. Henry Cunningham; seaman apprentice, second class; on the U. S. S. "Baltimore".

Q. What is your age?—A. I am eighteen years of age.

Q. Were you attached to the U. S. S. "Baltimore" when that vessel was at Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance which occurred on shore that day at Valparaiso, between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty there?—A. No sir; only what I heard when I was in the Jail.

Q. You didn't see any difficulty or disturbance there that day?—A. No sir.

Q. Were you arrested that day?—A. Yes sir.

Q. By whom and where were you arrested?—A. I was arrested by a policeman and citizens in the Rainbow Saloon.

Q. About what time was that?—A. Between eight and nine o'clock.

Q. In the evening?—A. Yes sir.

Q. What were you arrested for?—A. I don't know.

Q. What were you doing?—A. I was sitting down in a saloon.

Q. Were you making any noise or disturbance?—A. No sir.

Q. Had you been disorderly in any way?—A. No sir; we had just come in the saloon.

Q. Who were with you?—A. There were six men all told.

Q. Belonging to the "Baltimore"?—A. Yes sir.

Q. You were not molesting anybody, or making any noise or disturbance?—A. No sir. I have not found out yet what I was arrested for.

Q. Did the police tell you?—A. No sir.

Q. State all the circumstances of your arrest?—A. We just came into the saloon, and had not been in there more than about two minutes, when some policemen and some citizens came in there, and told us we would have to go up to the Jail with them. We went out with them, and they brought us up to the Jail.

Q. They arrested you there in the saloon?—A. Yes sir.

Q. What did they do when they arrested you? How did the policemen treat you?—A. Well, there was one of our men tried to get away, and there was a citizen pulled out a revolver and pointed it at him.

Q. What man was it that tried to get away?—A. It was Swanson.

Q. Swanson tried to get away?—A. Yes sir.

Q. He started to leave the room?—A. Yes sir.

Q. And a citizen pulled a revolver and pointed it at him?—A. Yes sir.

Q. Did Swanson stop, then?—A. Yes sir.

Q. What did the policemen do when they arrested you? How did they arrest you?—A. They told us to come along, and we followed them. One got on each side of us.

Q. Did they take hold of you?—A. Yes sir.

Q. How did they take hold of you?—A. By the arm; one on each arm, and they took us along the street, up to the jail.

Q. Did they put any handcuffs on you, or anything of that kind?—

A. No sir.

Q. How did they treat you on the way to jail?—A. They treated us civilly.

Q. Were you assaulted at all on the way to the jail, by any person?—

A. No sir; I was not assaulted while I was ashore.

Q. And you didn't see any other person assaulted, as I understand you?—A. No sir.

Q. How long were you in prison?—A. I don't exactly remember; I didn't keep any date of it.

Q. Were you brought off by Mr. Sears later?—A. I was one of the last ones brought off.

Q. About how long were you in prison?—A. Four or five days.

Q. Were you informed what you were charged with?—A. No sir.

Q. Had you any arms, weapons or knives about you at the time?—

A. Well, they had one down against me, but I never seen it.

Q. Did you have any weapon or knife with you going ashore?—A. No sir, not going ashore.

Q. Did you have any afterwards?—A. I bought a small penknife while I was ashore.

Q. What kind of a penknife was it? Describe it?—A. It was a pearl handled knife.

Q. How large a knife was it?—A. It was about two and a half inches long.

Q. The whole thing, about two and a half inches long?—A. Yes sir; I should say it was that length. It was a small knife.

Q. When did you buy it?—A. That was in the afternoon; just after we came ashore.

Q. What did you buy it for?—A. Well, I needed a small knife, sir.

Q. What for?—A. For my fingers, and cutting tobacco.

Q. Did you buy it to use on shore that day in any way?—A. No sir; I bought it because I needed it on board ship.

Q. What became of that penknife?—A. When they took us up to the Jail, they took my money and this knife away from me.

Q. That was this small penknife that you have described?—A. Yes, sir; a pearl handle knife, about two and a half inches long.

Q. How many blades did it have?—A. It had four blades.

Q. They took this knife away from you in the Jail?—A. Yes sir.

Q. And what else?—A. One pound in money.

Q. Did you have any other knife about you?—A. No sir.

Q. Was anything said to you about any other knife than this penknife?—A. Yes sir; up to the Court, when they were trying us up there, they charged a big knife against me.

Q. Then I understand you that you had but the one knife about your person about the time you were arrested?—A. Yes sir; only one knife.

Q. And that was this penknife that you have described?—A. Yes sir, a small penknife.

Q. Which you bought on shore that day?—A. Yes sir.

Q. You are positive of that?—A. Yes sir.

Q. Were you in uniform at the time you were arrested?—A. Yes sir.

Q. Were the others with you in uniform also?—A. Yes sir; every one of them was in uniform.

Q. What was the condition of the others, the other members of the crew of the "Baltimore" that were with you, as to sobriety?—A. Every one of them was sober, sir.

Q. What was your condition; were you sober or drunk?—A. I was sober.

Q. Did you have any warning that day when you went ashore, or after you got ashore, that there might be trouble that night?—A. No sir.

Q. Did you express your approval to any person at Valparaiso, as to the action of the police there on that day?—A. No sir.

(Sgd.)

H. CUNNINGHAM.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Henry Cunningham, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th. day of January, A. D., 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM H. NICHOLS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the office Building of the Navy Yard, Mare Island, California, on the 11th. day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William H.

Nichols, who after being duly cautioned and sworn, did depose and say as follows, to-wit:

WILLIAM H. NICHOLS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. My name is William H. Nichols; I am seaman apprentice, second-class, on the U. S. S. "Baltimore."

Q. What is your age?—A. My age is a little over 18 years.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes, sir.

Q. Did you go on shore on liberty with the other members of the crew of the "Baltimore" on the 16th of October last?—A. Yes, sir.

Q. Do you know of any difficulty or disturbance which occurred on shore at Valparaiso that day, between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty there?—

A. No, sir; I didn't see any of it.

Q. Were you arrested that day, and if so, by whom, and where were you arrested?—A. I was arrested that evening.

Q. Where and when?—A. In the saloon called the "Rainbow." I don't know the name of the street, though.

Q. About what time was it?—A. It was a little after dark; I couldn't say the exact time.

Q. By whom were you arrested?—A. Well, there were officers, and there were some citizens there.

Q. What officers?—A. They looked like army officers.

Q. Were they armed?—A. Yes sir; they had swords on, and some of them were on horseback.

Q. What were they; Chilians?—A. Yes sir, they were Chilian officers.

Q. You were in the saloon?—A. Yes sir; there were seven of us there in the saloon.

Q. What were you doing when you were arrested?—A. We just got in there.

Q. Had you been molesting any person, or committing any offense?—A. No sir.

Q. Were you disorderly?—A. No sir; there were none of us disorderly.

Q. State the circumstances of the arrest. What occurred there?—A. Well, we were in that saloon, and we met this man Sullivan.

Q. Sullivan of the "Baltimore"?—A. Yes sir. J. Sullivan of the Baltimore.

Q. Was he in there?—A. Yes sir; he came in there; and he had a cut over his eye here, (showing); and he was bleeding. We asked him what was the matter; and he said he just got chased by a mob. The man that owns the saloon looked out of the door and he couldn't see any mob coming up the street; and we stayed in there for a few minutes, and we heard some whistles, and in a few minutes more, a policeman with whiskers on his face came in, and he told the manager of the place, who could talk English, that he wanted us to go along with him.

Q. Was he armed?—A. Yes, sir; he had a sword. There was about forty of them. They were citizens, supposed to be detectives.

Q. How were the citizens? Did they have any arms?—A. There was a young fellow, not more than 20 years old, had a pistol.

Q. Did you see any other citizens, other than the policemen, have any bayonets? Any of the others, except the soldiers and policemen?—A. No, sir.

Q. Did they have bayonets?—A. The soldiers and policemen had bayonets.

Q. Go on?—A. We walked up to the station house, and we were not molested on the way up. We were taken into the station house, and our names were taken, and they searched us and took our money; and put us in the cells.

Q. How did the policemen treat you from the time they arrested you; while they were taking you to the Jail?—A. The policemen did not have much to do with us. They did not molest us any.

Q. How were you treated?—A. We were treated very well, as far as I could see. I didn't like the food; nor did anybody else.

Q. That was at the prison?—A. Yes sir; that was at the prison.

Q. But you were not assaulted by any person on the way to the prison?—A. No sir.

Q. The policemen treated you properly, did they?—A. Yes sir; they didn't molest us at all. They just took us to the station house.

Q. Were you secured in any way when you were taken to the station house; did the police have hold of you on the way?—A. No sir. Cass led the way, and I followed Cass. There was one on each side of Cass; and there was one alongside of me.

Q. Did he take hold of you?—A. No sir.

Q. Had you any arms, knives or weapons about you at the time you were arrested?—A. No sir.

Q. Were you in uniform?—A. Yes sir.

Q. Was Cass and the others arrested with you, in uniform?—A. Yes sir; we were all in uniform.

Q. What was the character of the mob that you saw there?—A. I didn't see any mob except the policemen. Sullivan said there was a mob.

Q. I understood you to say there was a lot of citizens too?—A. No sir; Sullivan said there was, but we could not see any.

Q. What was your condition as to sobriety at the time?—A. I had not drank anything at all at the time.

Q. What was the condition of the members of the crew that were with you?—A. Cass and I were together, and we had not drank anything at the time; and the others were perfectly sober too.

Q. Did you express your approval of the action of the police there at Valparaiso on that occasion, that day, to any person?—A. No sir.

(Sgd.)

WILLIAM H. NICHOLS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William H. Nichols, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th. day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF HENRY CASS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Henry Cass, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

HENRY CASS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. Henry Cass; seaman apprentice, first-class; U. S. S. "Baltimore."

Q. How old are you?—A. I was twenty years old last April.

Q. Were you attached to the U. S. S. "Baltimore," when she was in Valparaíso, Chile, in October last?—A. Yes sir.

Q. Did you go ashore on liberty with other members of the crew of the "Baltimore" on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on shore at Valparaíso that day, between the Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty there?—A. No sir; I didn't see any.

Q. You didn't see any difficulty or disturbance there?—A. No sir.

Q. Were you arrested there that day?—A. Yes sir.

Q. At what time were you arrested, and by whom and where?—A. I was arrested about six o'clock, as near as I could judge, by a policeman; and there were two citizens with the policeman, and they came into a small saloon, and arrested seven of us altogether.

Q. They came into what saloon?—A. In the Rainbow, they call it.

Q. What were you doing in the Rainbow saloon when they arrested you?—A. We were sitting down there talking.

Q. Had you committed any offense, or created any disturbance?—A. No sir.

Q. Had you been disorderly outside, or inside the saloon?—A. No sir.

Q. Did they tell you why they arrested you? Did the police tell you why they arrested you?—A. No sir.

Q. State the circumstances attending the arrest?—A. There were seven of us men sitting in there; six besides myself; all members of the crew of the "Baltimore." We were talking there, and pretty soon the door opened, and these policemen came in and took us out, and took us to the police station. The proprietor of the place said that we had better go and not raise any disturbance; and we went.

Q. How did they treat you while they were taking you to the station house?—A. They never said a thing. We walked right to the station with them. There was one boy walked a little ahead of the others, and there was one of the citizens pulled a pistol on him.

Q. What did he do that for?—A. Because he was walking too fast; getting ahead of us.

Q. One of the citizens pulled a pistol on him?—A. Yes sir.

Q. Did he stop then?—A. Yes sir, he stopped and walked along at the same pace we were walking.

Q. Were you secured in any way while you were going to the prison?—A. No sir.

Q. Where were the police, with reference to you, when you were going

to the station house?—A. They were in the road, and we were on the sidewalk; walking to the station.

Q. How were you treated at the prison?—A. We were treated very well.

Q. How long did you remain there?—A. Five days.

Q. Then you returned to the ship?—A. Yes sir.

Q. Were you assaulted at all at any time while you were there on shore?—A. No sir.

Q. As I understand you, you didn't see any other members of the crew of the "Baltimore" assaulted?—A. No sir.

Q. What was your condition as to sobriety at that time?—A. I was sober.

Q. What was the condition of the others that were with you?—A. The others that were arrested with me were all sober.

Q. Had you any arms, weapons or knives about you at the time?—A. No sir.

Q. Were you in uniform?—A. Yes sir.

Q. Were the other six that were with you in uniform?—A. Yes sir.

Q. Had you any warning on shore that there might be trouble there that evening?—A. No sir; I hadn't heard anything about it.

Q. Did you at any time, to any person at Valparaiso, express your approval of the action of the police on that occasion?—A. No sir.

(Sgd.)

HENRY CASS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Henry Cass, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF HENRY C. JARRETT.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Henry C. Jarrett, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

HENRY C. JARRETT, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating and present station?—A. Henry C. Jarrett; seaman on the "U. S. S. Baltimore."

Q. What is your age?—A. My age is 24 years.

Q. Were you attached to the "U. S. S. Baltimore" when that vessel was at Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore at Valparaiso that day, between Chilean sailors or others, and members of the crew of the "Baltimore" on liberty there?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge, relating to such disturbance or difficulty. Go ahead and state what you saw.—A. We went ashore on liberty, at about half past one in the afternoon, and walked up from the Mole, past the monument.

Q. What time do you say it was that you went ashore?—A. In the neighborhood of one or two o'clock; I couldn't tell the exact time. I turned to the left, and walked up as far as the office of the Mercurio, the Chilean newspaper there.

Q. Which way is that?—A. That is to the left. We got up there, and we turned around and came down past the Mole again, and went into a saloon kept by a man by the name of Johnson; better known as the "Rainbow" amongst sailor men. We stayed in there, I suppose, about two hours, or two hours and a half.

Q. Who was with you?—A. A young fellow by the name of Duncan was with me. While we were in there, we each had two small bottles of beer; and we played cards the rest of the afternoon. We went out of there to the Plaza Victoria, to a restaurant, and had our supper. That consumed probably an hour or an hour and a half. Then we came down and took a street car, and got off opposite the Pratt Monument. We got off there, and I saw some sort of a demonstration was going on.

Q. About what time was that when you got there?—A. That was about half past six o'clock, or a quarter to seven, I think; somewhere in that neighborhood. I saw a crowd gathered around there, and policemen with several of our men. And we started to walk in the opposite direction, towards the Mole.

Q. You saw some of your men in where?—A. In this line of police.

Q. The police had charge of them?—A. Yes sir; and we walked in the direction of the Mole, and we got down as far as a tobacco store, and we were stopped there by several civilians. One of them had a revolver in his hand, and he ordered us to go back into this line.

Q. He ordered you to go back in this line with the men that had been arrested?—A. Yes sir.

Q. You had not been in the line?—A. No sir.

Q. When you say that he ordered you to go back into the line, you mean that he ordered you to go into the line?—A. Yes sir. We were jolted up there; they were handling the men roughly, and I sung out to Duncan, "follow me," and I made a break. I can't exactly name the street, but it is the first street above the railroad track.

Q. Which way did you go?—A. I went down to the right.

Q. You made a break to get away?—A. Yes sir.

Q. What for?—A. To get away from the crowd.

Q. What crowd?—A. The policemen.

Q. You say they were handling you roughly?—A. Yes sir.

Q. What were they doing?—A. They were knocking the men around in all directions, shoving them from one side to the other; hitting them with guns and everything else.

Q. What men?—A. Our men.

Q. The men with you?—A. The men that they had in there before we came there.

Q. The men they had there in the line before you came up?—A. Yes sir.

Q. What did they do to you?—A. Well, they hadn't time to do anything to me before I made that start.

Q. You ran?—A. Yes sir; I ran about three hundred yards, I think; and I was stopped by several people, civilians.

Q. Were they armed?—A. Yes sir; two of them had revolvers.

Q. How did they stop you? What did they do?—A. They came out in the street, and spread out in a line, and raised their arms in a threatening gesture, as if they would shoot.

Q. Did they have their arms in their hands?—A. Yes sir.

Q. Did they point them at you?—A. No sir; they held them up like that. (Showing).

Q. They spoke in Spanish?—A. Yes sir.

Q. Could you understand them?—A. No sir. I no sooner stopped than there was a captain, he had three gold bands around his cap, drew his sword out, and struck me ten or fifteen times as hard as he could.

Q. Were you standing there in front of the line?—A. Yes sir.

Q. Were you standing still?—A. Yes sir.

Q. Were you resisting, or trying to escape or leave there?—A. No sir.

Q. This officer came up to you with a sword?—A. Yes sir.

Q. And he struck you several times with it?—A. Yes sir, with the flat of the sword.

Q. Did he wound you or cause any injuries?—A. No sir. It was very painful for the time I was in Jail. I didn't feel it when I came on the ship, five days later. After he got through beating me, he shoved me to one side, and there was one of these civilians stepped up and spat at me, and I struck him.

Q. He was in the crowd?—A. Yes sir.

Q. Was he one of the men who had a revolver?—A. I couldn't say.

Q. He spat at you?—A. Yes sir.

Q. How close was he to you?—A. I suppose he was about four or five feet from me. He spat at me, and I struck him. Then there was a soldier, or policeman, I can't say which. The light was very poor there; in fact it was very dark. This soldier or policeman stepped forward with a gun, with a fixed bayonet, and he made a jab at me, and it struck me in the left side of the nostril here. (Showing.)

Q. He stuck it in your face?—A. Yes sir. I think his intention was to stick it in my eye.

Q. Where did he strike you?—A. Here in the left side of the face. (Showing.)

Q. Is that the scar you are pointing to now?—A. Yes sir.

Q. Did it go through?—A. I can't say. It pained me very badly for quite a while. I didn't go to the doctor with it. It was very sore, but it healed up itself.

Q. Were you resisting at the time?—A. No sir; I only struck the other man, when he spat at me.

Q. How long after that was it, when the soldier or policeman ran the bayonet in your face?—A. It was immediately on my striking this man, sir.

Q. Did you see any other persons besides soldiers and policemen there?—A. No sir.

Q. How large a crowd was there?—A. About ten or fifteen.

Q. In this party?—A. Yes sir.

Q. Wasn't there a larger crowd there than that?—A. Yes sir; they were flocking there all the time.

Q. What kind of people were there?—A. Mostly civilians and ragamuffins.

Q. Were they crying out?—A. No sir.

Q. What did they do with you then?—A. They carried us back to the Pratt Monument; and there were Duncan, Sullivan, Nelson, Christie and myself.

Q. These other men belonged to the crew of the "Baltimore"?—A. Yes sir.

Q. What did they do then?—A. They carried us up to the police station.

Q. How did they treat you while they were conducting you to the prison from where you were arrested?—A. I was struck twice.

Q. By whom?—A. Once by the man that was conducting Duncan.

Q. Who was this man?—A. He was a policeman.

Q. What did he strike you with?—A. He struck me with his clenched fist.

Q. What for?—A. I don't know.

Q. Were you secured in any way while they were taking you to the prison?—A. They had a leather thong around my wrist, with a stick to it.

Q. The man was holding on to it?—A. Yes sir.

Q. What did the other man do?—A. The policeman struck me once, he didn't strike me until the one right before me struck me.

Q. Were you going along quietly?—A. Yes sir, I was going along quietly. I was pretty badly dazed anyhow. This man took the pains to throw up the chamber of his carbine, to show me that it was full of cartridges, and I knew that resistance would be of no use. That was about all that happened until we got to the station house.

Q. How long were you kept in prison?—A. From the 16th until the 21st, I think.

Q. How did they treat you while you were in prison?—A. Well, there was nothing to complain of there, except we were forced to lie on the stones.

Q. Were you in uniform at the time you were arrested?—A. Yes sir.

Q. Were the other men of the "Baltimore" in uniform at the time?—A. Yes sir; all who were arrested were in uniform.

Q. Had you been warned that there was trouble to be expected that night?—A. While we were in the Rainbow, there was a young Englishman, a clerk in a hardware store, came in there, and told us that a great many of the Chilean army and navy that had been discharged, and were waiting for gratification money were very hostile towards our men, especially to the men of the "Baltimore".

Q. Hostile towards you?—A. Hostile towards the "Baltimore's" crew.

Q. What did he say further, if anything?—A. That is all he said. I told him I didn't know of any reason for their being hostile; that probably if they molested us, without being molested, they would get in trouble. That was all that was said. But afterwards, the last words he said to me were, "Look out for yourself, anyhow"; and he walked out.

Q. What was your condition as to sobriety at the time?—A. I was perfectly sober.

Q. What was the condition of the other men of the "Baltimore" who were with you?—A. I can vouch for Duncan, the man that was with me all the time, being sober. The others, I was simply arrested with them at the time. I didn't know anything about them previous.

Q. At that time, did you notice them?—A. Yes sir; they all appeared to be sober. They knew what they were doing.

Q. Did you notice any signs of drunkenness on them?—A. No sir; they all appeared to be sober.

Q. Did you at any time in Valparaiso, to any person, express your approval of the action of the police on that occasion?—A. No sir.

(Sgd.)

HENRY C. JARRETT.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Henry C. Jarrett, the witness who subscribed the foregoing deposition was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF OLAF WETTELAND.

Be it remembered, that at the above entitled examination conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Olaf Wetteland, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

OLAF WETTELAND, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. Olaf Wetteland; boatswain's mate, U. S. S. "Baltimore."

Q. What is your age?—A. I am 28 years of age.

Q. Were you attached to the U. S. S. "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew of the Baltimore, at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance that occurred on

shore that day at Valparaiso, between any Chilean sailors, or others, and members of the crew of the "Baltimore" who were on liberty there?—A. No sir; only what I was told.

Q. Were you arrested that day?—A. Yes sir.

Q. At what time were you arrested?—A. About eight o'clock in the evening.

Q. By whom were you arrested?—A. I was arrested by the police.

Q. Where were you arrested?—A. In a barroom called the "Rainbow".

Q. State the circumstances of the arrest?—A. Well, me and three others came down from the Plaza Victoria. We had been up there to see a play, Cleary's Opera Company. We found out about seven o'clock; between seven and eight o'clock; that there was going to be no play. We were sitting in a French café, and while we were sitting there, a man by the name of Stuart came in.

Q. Is that the Rainbow saloon that you refer to?—A. No sir. That is up near the Plaza Victoria. Stewart came in and he told us that there was trouble down town, and for us not to go down. He was in citizen's clothes.

Q. Stewart was?—A. Yes sir, he was in citizen's clothes at the time. Well, we didn't take any stock in what he said, but when we found out there was going to be no play, we got up and walked down town. On our way down town, we stopped at the hotel, and one of our men by the name of F. G. Williams, left us. He left us and went to sleep there. On our way down, when we got down to the Exchange, on Calle Cochran, we met four more. We were then seven altogether; and we went into a restaurant.

Q. You met four more of the crew of the "Baltimore"?—A. Four more of the "Baltimore's" crew, yes sir. We went into the restaurant, and had a drink in there, and a Chilean officer told us to go aboard.

Q. He told us to go aboard the ship?—A. Yes sir, but we didn't go.

Q. Was he an army officer?—A. Yes sir; he was an army officer.

Q. Did he say why you should go aboard ship?—A. No sir. He was trying to explain something to us, but we didn't understand him.

Q. Was he in uniform?—A. Yes sir.

Q. Did he have a sword?—A. Yes sir. Well, we left that place and went down to the "Rainbow", just below that on the same street. We went in there, the seven of us, to have a drink. We hadn't a chance to call for the drinks before the policemen came in and arrested us, and marched us off to jail.

Q. State the circumstances attending the arrest; how you were arrested? State all that occurred from the time that you were arrested?—A. They came in there and spoke to the man who kept the barroom, and he told us, "Boys, I can't serve you. You have to go to jail. The police want you." We said, "all right"; we were all sober, and we didn't make any resistance whatever.

Q. What had you ordered?—A. We had something to drink before that, but not in there.

Q. What had you been drinking?—A. We had been drinking beer.

Q. Nothing stronger?—A. Yes sir; we had been drinking Malaga wine too.

Q. How many of the police were there?—A. There was one officer with a sword on, and there was three or four policemen; and some citizens joined them after we got outside.

Q. How were the police armed?—A. The police were armed with sword bayonets.

Q. Did you see any other people about with bayonets, besides the police?—A. No sir.

Q. That day or night?—A. No sir. On our way up to the jail, they punched us in the back several times for not walking fast enough.

Q. What did they punch you with?—A. With their fists.

Q. Did they punch you hard?—A. Well, not hard, sir; just the same as to say, "go on; move on."

Q. Did they have you secured in any way?—A. No sir.

Q. Did anybody assault you on the way up, or did you go along quietly?—A. Nobody assaulted us. We went along quietly.

Q. Then they took you to the prison?—A. Yes sir.

Q. How long were you there?—A. I was there from Friday night, until Tuesday night following.

Q. How did they treat you in prison?—A. They treated us well, sir.

Q. Then you returned to the ship, did you?—A. Yes, sir.

Q. Had you any arms, weapons, or knives about you at the time you were arrested?—A. I had a penknife, sir.

Q. Were you in uniform?—A. Yes sir.

Q. Were these other men of the "Baltimore" that were with you, in uniform at the time they were arrested?—A. Yes sir.

Q. Had you any warning, prior to your arrest that there might be trouble there that day or night?—A. Yes sir.

Q. What was it, and by whom?—A. It was up in the dance hall called the "Shakespeare".

Q. Who was it that warned you?—A. It was the man that kept the hall.

Q. What time of day was that?—A. That was between three and four o'clock in the afternoon, sir.

Q. What did he say?—A. He said, "I am going to close up this afternoon, because I know, I am sure there is going to be trouble between you and the mob." He said there were five or six hundred paid off sailors ashore here, without money, and they are going to lay for you, as soon as dusk sets in.

Q. Why did you understand they were going to lay for you?—A. I don't know, sir.

Q. Did you see them assault any other person? Did you see any other assaults made upon any other person ashore that day?—A. No sir.

Q. What was the conduct of the sailors of the Baltimore, so far as you saw them that day?—A. So far as I saw them, they were all sober.

Q. What was their conduct?—A. They were behaving very well.

Q. Did you see many of them during the day?—A. No sir; I only saw three.

Q. You had more than three with you when you were arrested?—A. I mean before that.

Q. Did you at any time at Valparaiso, to any person there, express your approval of the action of the police there that day?—A. No sir.
(Sgd.)

OLAF WETTELAND.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Olaf Wetteland, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy

Yard, at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand, this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITIONS OF JEREMIAH ANDERSON, T. H. WILLIAMS, CHARLES C. WILLIS, JOHN W. TALBOT, JOHN H. DAVIDSON, FRANK HONNORS, JOHN DOWNEY, JAMES M. JOHNSON, JOHN HAMILTON, LEE A. WALLACE, JAMES GILLAN, ALEX. J. STEWART, CHARLES EBLE, CHARLES LANGEN, CHARLES WILSON, JOSEPH VAN DAM, and JOHN P. GUSTAFSON, *Members of the Crew of the "Baltimore," as to the condition of Boatswain's Mate Riggins and Apprentice Talbot of the "U. S. S. Baltimore," as to sobriety, on the 16th day of October, 1891.*

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 11th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Jeremiah Anderson, T. H. Williams, Charles C. Willis, John W. Talbot, John H. Davidson, Frank Honnors, John Downey, James M. Johnson, John Hamilton, Lee A. Wallace, James Gillan, Alex. J. Stewart, Charles Eble, Charles Langen, Charles Wilson, Joseph Van Dam and John P. Gustafson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JEREMIAH ANDERSON, coal-heaver on the U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. You have stated in your testimony given heretofore, that you saw boatswain's mate Riggins and apprentice Talbot of the crew of the "Baltimore" in a saloon at Valparaiso?—A. Yes sir.

Q. Known as the "True Blue", on the 16th day of October last?—A. Yes sir.

Q. What was the condition of Riggins and Talbot as to sobriety, at the time you saw them? State as nearly as you can the time of day it was.—A. Well, we came in there, I think it was about 3 o'clock. It might have been later. We stayed in there half an hour before they left.

Q. You were there all the time?—A. Yes, sir; I was there all the time. They sat down, and they were carrying on. Of course, I didn't pay any attention to them, whether they drank anything or not. I was not drinking anything myself. I was sitting down there. As soon as Riggins came in, he came to me and he says, "Jerry, for God's sake, don't drink anything to-day, because we expect to be mobbed." And he says, "One place down below here now has shut up on account of the mob that they expect to-night, so you can't get in"; and he says,

"Don't drink anything, and if you get into trouble, we will be down the street here; and you be down here where the most of our fellows are and we will be together."

Q. What was his condition as to sobriety at that time?—A. He appeared to be a sober man to me.

Q. Was he or not in your opinion, drunk or sober?—A. In my opinion he was sober.

Q. What was the condition of Talbot at that time? Did you see him there at that time?—A. Yes sir.

Q. What was his condition as to sobriety?—A. Well, he was just as sober as Riggins was; both of them were sober.

Q. Was he under the influence of liquor or not?—A. He was sober, sir. He didn't appear to me as though he was drinking.

Q. Were they or not, in your opinion, drunk or sober, either of them?—A. In my opinion they were sober.

Q. Did you see Riggins and Talbot leave the "True Blue" saloon at this time?—A. Yes sir; they left me there and went on down the street, but how far they went, I don't know.

(Sgd.)

his
JERRY X ANDERSON.
mark.

Witness to mark:

(Sgd.)

W. ROWBOTHAM,
P. H. ERGOT, U. S. N.,
B. F. LANFAR.

T. H. WILLIAMS, seaman apprentice, first-class, "U. S. S. Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see boatswain's mate Riggins, and apprentice Talbot, of the crew of the "Baltimore", when they were on liberty at Valparaiso, on the 16th day of October last, in the saloon there called the "True Blue"?—A. Yes sir, I did.

Q. About what time of day was it when you saw them there?—A. I couldn't say the time. I should judge it was about half past three or four o'clock in the afternoon.

Q. What was the condition of Riggins at the time you saw him there as to sobriety?—A. He was sober.

Q. Did you see him drink anything there?—A. No sir; he didn't drink anything. I drank myself, and called for the drinks for all of them in there; and Riggins said he was not drinking, so he didn't take anything at all, sir.

Q. What was the condition of Talbot at that time as to sobriety? You saw him there too?—A. Yes, sir, I saw him there.

Q. What was his condition as to sobriety?—A. He was sober.

Q. Did you see Riggins and Talbot when they left the saloon together?—A. Yes sir; I saw them when they left.

Q. It was about the same time? Who went out first?—A. Davidson went out first, of the three; and Riggins and Talbot went out after. All three of them went out about the same time.

Q. Did you hear of any difficulty or disturbance occurring outside about that time?—A. Yes sir; about that time a man came up and told me, a seaman of one of the ships who had been with us in there, he came running in and he said, "The Chileans are killing one of your shipmates."

Q. About how long was that after Riggins and Talbot left the saloon?—A. It was about half an hour after, I should judge.

(Sgd.)

T. H. WILLIAMS.

CHARLES C. WILLIS, seaman apprentice, "U. S. S. Baltimore," recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see boatswain's mate Riggин and apprentice Talbot of the crew of the "Baltimore" in a saloon at Valparaiso, known as the "True Blue" on the 16th day of October last, when the crew was ashore there on liberty?—A. Yes sir.

Q. Did they leave the saloon while you were there?—A. Yes sir; they did. They left me in there.

Q. Both of them?—A. Yes sir; both of them went out.

Q. What was the condition of boatswain's mate Riggин when you saw him in the saloon there, as to sobriety?—A. He was sober, sir.

Q. Had he been drinking in there?—A. No sir; he didn't drink anything while I was there.

Q. What was the condition of the Talbot at the time you saw him in the saloon there as to sobriety?—A. He was sober also.

Q. You saw both of them there for some time, did you?—A. Yes sir; they were there, I should judge about 15 or 20 minutes, or half an hour, probably.

Q. Did they go out at about the same time, Riggин and Talbot?—A. I think so. Riggин went out a little ahead of Talbot.

(Sgd.)

C. C. WILLIS.

JOHN W. TALBOT, apprentice, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. On the occasion that you followed Boatswain's mate Riggин from the saloon in Valparaiso, known as the 'True Blue' on the afternoon of the 16th of October last, when you were ashore there on liberty, what was the condition of Riggин at the time he went out with you, as to sobriety?—A. He was perfectly sober.

Q. What was your condition at the time as to sobriety?—A. I was perfectly sober, too.

Q. About how long after leaving the saloon was it, before this attack was made, upon Riggин and yourself?—A. It was a couple of minutes afterwards.

(Sgd.)

JOHN W. TALBOT.

JOHN HENRY DAVIDSON, landsman, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Were you in a saloon known as the "True Blue" in Valparaiso, on the 16th day of October last, when boatswain's mate Riggин and apprentice Talbot were in there?—A. Yes sir.

Q. Did you see them leave the saloon?—A. No sir.

Q. You went out ahead of them, did you?—A. No sir. I went back to the water closet, and when I came in again they were gone.

Q. How long had you seen them before they went out?—A. I should judge it was about a quarter of an hour.

Q. You saw them then, about 15 minutes before they left?—A. Yes sir.

Q. What was the condition of Riggин as to sobriety, when you saw him there in the saloon?—A. He was perfectly sober.

Q. What was the condition of Talbot as to sobriety at that time?—A. He was the same.

Q. They were both sober?—A. Yes sir.

Q. About how long after they left the saloon was it when you saw them again; when you saw Talbot and Riggин again?—A. It was about three-quarters of an hour; between that and an hour.

Q. There was a quarter of an hour that you were in the water closet?—

A. Yes sir; they might have gone out as soon as I went back to the water closet.

Q. Where did you see them next, Riggin and Talbot?—A. I saw Riggin lying in the street, and I saw Talbot running across the street.

Q. Was there a mob about about them at the time?—A. Yes sir.

Q. Did you go close to Riggin?—A. Yes sir.

Q. What did you do?—A. I stopped to pick him up, and some Chilean sailors jumped me.

Q. Did you notice his condition at the time?—A. Yes sir; he looked to me like he was beaten. His head was bleeding; he looked unconscious to me. He didn't say anything.

Q. Where was Talbot?—A. Talbot was running down the street. I didn't see Talbot then.

(Sgd.)

J. H. DAVIDSON.

FRANK HONNORS, seaman apprentice, first-class, U. S. S. "Baltimore," recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Were you in the saloon known as the "True Blue" in Valparaiso, on the afternoon of the 16th of October last, with boatswain's mate Riggin and apprentice Talbot of the "Baltimore"?—A. Yes, sir.

Q. How long had you been with them that afternoon?—A. From the time we went ashore, at one o'clock.

Q. Were you in the saloon when they left?—A. No, sir.

Q. You left first, did you?—A. Yes, sir.

Q. What was the condition of Boatswain's mate Riggin as to sobriety when you saw him in that saloon there?—A. He was sober.

Q. What was the condition of Apprentice Talbot at that time?—A. He was sober, too.

Q. Did you see Riggin after that that day?—A. No sir.

Q. Did you see Talbot after that that day?—A. No, sir.

(Sgd.)

FRANK HONNORS.

JOHN DOWNEY, coal-heaver, U. S. S. "Baltimore," recalled:

The JUDGE ADVOCATE-GENERAL.—Q. Were you in the saloon at Valparaiso, known as the "True Blue" on the afternoon of the 16th day of October last?—A. Yes, sir.

Q. Did you see Boatswain's mate Riggin, and Apprentice Talbot of the "Baltimore" there?—A. Yes sir.

Q. How long were they in there with you?—A. We were in there about 15 minutes; round about there.

Q. You left before they did?—A. Yes sir; myself and Honnors went over to the barber shop to get shaved.

Q. What was the condition of Boatswain's mate Riggin as to sobriety when you saw him there?—A. He was sober, sir.

Q. What was the condition of Apprentice Talbot at that time?—A. He was sober.

Q. Did you see either of them after that that day?—A. No sir.

(Sgd.)

JOHN DOWNEY.

JAMES M. JOHNSON, Armorer, U. S. S. "Baltimore," recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you picked Riggin up in the street at Valparaiso on the afternoon of the 16th day of October last, what was his condition as to sobriety?—A. He was sober, sir.

(Sgd.)

JAS. M. JOHNSON.

JOHN HAMILTON, carpenter's mate, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see boatswain's mate Riggin and apprentice Talbot on the afternoon of the 16th day of October last, at Valparaiso?—A. I saw them before we went ashore, and when we did get ashore on the Mole. To my knowledge I didn't see them after that.

Q. What was their condition as to sobriety when you did see them that day on shore?—A. They were perfectly sober then, sir.

(Sgd.)

JOHN HAMILTON.

LEE A. WALLACE, coal-heaver "U. S. S. Baltimore", recalled.

The JUDGE-ADVOCATE-GENERAL.—Q. Were you in a saloon known as the "True Blue" in Valparaiso, on the afternoon of the 16th of October last, when the "Baltimore's" crew was on liberty, or a portion of them on liberty on shore?—A. Yes sir.

Q. Did you see boatswain's mate Riggin and apprentice Talbot of the "Baltimore" there on shore?—A. Yes sir.

Q. About what time of the day was it when you saw them?—A. It was between three and four o'clock, I guess.

Q. You are not positive about the time?—A. No sir.

Q. Except, as I understand you, that it was about that time; between three and four o'clock?—A. Yes sir; I am not sure of the time.

Q. What was the condition of Boatswain's mate Riggin as to sobriety when you saw him there in the saloon?—A. He was sober.

Q. What was the condition of apprentice Talbot as to sobriety at that time?—A. He was sober, too.

Q. Did you see Riggin and Talbot go out of the saloon?—A. Yes sir.

L. A. WALLACE.

JAMES GILLAN, fireman, second class, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE GENERAL.—Q. When you were on shore at Valparaiso, on the 16th day of October last, on liberty, did you see boatswain's mate Riggin, and apprentice Talbot of the "Baltimore" ashore there?—A. Yes sir; and Davidson was with them.

Q. What time was it, and where did you see Riggin and Talbot?—A. I don't know exactly the place or the street either. It is about four blocks south of Victoria Square.

Q. It was in the neighborhood of the Plaza Victoria?—A. Yes sir.

Q. About what time was that?—A. It was between three and four o'clock.

Q. What was the condition of Riggin as to sobriety when you saw him?—A. He was sober. We had a drink and he took a lemonade.

Q. What was the condition of Talbot as to sobriety at that time?—A. He was sober.

(Sgd.)

JAMES GILLAN.

ALEXANDER J. STEWART, fireman, first-class "U. S. S. Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were on shore at Valparaiso, on leave on the 16th day of October last, did you see boatswain's mate Riggin and apprentice Talbot of the "Baltimore" on shore there?—A. Yes sir, I did.

Q. About what time was it that you saw them, and where?—A. I

should judge it was about between three and four o'clock in the afternoon; above the Plaza Victoria.

Q. What was the condition of boatswain's mate Riggins as to sobriety when you saw him?—A. Apparently to me he seemed to be perfectly sober.

Q. What was the condition of apprentice Talbot when you saw him at that time?—A. He seemed to be perfectly sober also.

Q. You didn't see them afterwards?—A. No sir, I didn't see them afterwards.

(Sgd.)

ALEXANDER J. STEWART.

CHARLES EBLE, coxswain, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see Boatswain's mate Riggins and apprentice Talbot of the "Baltimore" on shore at Valparaiso, on the 16th day of October last, when you were on liberty?—A. Yes sir.

Q. When and where did you see them?—A. I saw them in a saloon kept by a man named Peterson between two and three o'clock in the afternoon.

Q. Where was this saloon?—A. It was on the Plaza between the Mole and the Plaza Victoria. I don't know the name of it.

Q. What was the condition of Boatswain's mate Riggins at that time?—A. He was sober.

Q. What was the condition of apprentice Talbot at that time as to sobriety?—A. He was sober, too.

Q. What was your condition at the time?—A. I was perfectly sober.

Q. Did you see them later that day; either or both of them?—A. No sir.

(Sgd.)

CHAS. EBLE.

CHARLES LANGEN, seaman, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see Boatswain's mate Riggins and apprentice Talbot of the U. S. S. "Baltimore", on shore at Valparaiso on the afternoon of the 16th of October last, when they were on liberty there?—A. Yes sir.

Q. When and where did you see them; about what time was it?—A. It was ten minutes past five o'clock at that time.

Q. At the time you saw them?—A. Yes sir.

Q. What were they doing when you saw them?—A. That was the time they came out of the car.

Q. The time they came off the car?—A. Yes sir.

Q. Do you mean the time that the mob surrounded the car?—A. Yes sir.

Q. And that they came out of the car?—A. Yes sir.

Q. Do you know the name of the street that was on?—A. No sir, I don't know the name of the street.

Q. This was about ten minutes past five o'clock?—A. Yes sir; about ten minutes after five.

Q. What occurred when they got off the car?—A. I saw the Chilean sailors chasing them off the car; and then we ran into the square there.

Q. Who ran into the Square?—A. The three of us. We ran into the Square there.

Q. Were you running with Riggins or Talbot?—A. I was running with Riggins.

Q. Running away from the crowd?—A. Yes sir; trying to run away from them.

Q. What was Riggin's condition as to sobriety then, when you were running with him from the crowd?—A. He was sober.

Q. What was Talbot's condition when you saw him going from the car, running from the mob?—A. He was sober.

Q. About how long after this was it that you saw Riggin shot; how long after you were running with him, as you have stated; after you started from the car?—A. It was about forty or forty-five minutes.

Q. Where were you in the meantime?—A. I was with him for some time; and then I went around the corner.

Q. About how long were you with him?—A. I was with him about three minutes.

Q. Then you went around the other corner?—A. Yes sir.

Q. Why did you run away from Riggin?—A. They had him down, and they stabbed him and kicked him.

Q. Who had him down?—A. The Chilean sailors and citizens.

Q. You saw them doing this?—A. Yes sir.

Q. Was it getting on towards dusk at the time he was hurt?—A. Yes sir, it was getting towards dusk.

(Sgd.)

C. LANGEN.

CHARLES WILSON, seaman U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see boatswain's mate Riggin and apprentice Talbot on shore at Valparaiso on the afternoon of the 16th of October last?—A. Yes sir.

Q. When and where did you see them there?—A. Right close up to the Plaza Victoria, I saw them, between two and three o'clock. I couldn't tell the exact time.

Q. Did you talk with them at that time?—A. Yes sir.

Q. What was boatswain's mate Riggin's condition as to sobriety at that time?—A. He was sober, for he would not drink anything.

Q. How do you know he would not?—A. Well, we had a glass of beer among ourselves, and he would not drink anything; he took a cigar.

Q. What was the condition of apprentice Talbot as to sobriety at that time?—A. He was sober too, sir.

Q. Did you see either of them later in the day?—A. No sir; that was the last time I saw them.

(Sgd.)

C. WILSON.

JOSEPH VANDAM, having been duly sworn, testified as follows

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. My name is Joseph Vandam; quartermaster on the U. S. S. "Baltimore".

Q. What is your age?—A. 34 years.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on liberty on shore with other members of the crew of the "Baltimore" at Valparaiso, on the 16th day of October last?—A. Yes sir.

Q. Do you know of any difficulty or disturbance occurring on shore that day at Valparaiso, between any Chilean sailors or others, and members of the crew of the "Baltimore" who were on leave there?—A. I know there was a disturbance.

Q. State all the facts and circumstances within your knowledge, relating to any such difficulty or disturbance?—A. About five o'clock on that day I hired a cab for an hour's ride, and I took a drive up to the most

southerly point of Valparaiso there, and on the way back, about six o'clock, we were stopped in the cab.

Q. Who was with you in the cab?—A. Charles Eble, Gustavson and Wilson of the "Baltimore." On the way back, just when we got abreast of the market, between the market and the landing, we were stopped.

Q. The market is near the landing?—A. On the right of the landing.

Q. On the right of the Mole?—A. The Mole. We were stopped, and told there was some of our men getting killed down there.

Q. Who stopped you?—A. Langen and some English speaking people. I don't know who they were. There were two or three people; well-dressed English people. We took them for English people. They were English speaking people. They came up and told us if we wanted to save our lives, to go back in the cab and drive out of there as soon as possible. We got in the cab and drove up to the Plaza Victoria.

Q. Did you see the crowd?—A. I saw the crowd rushing in all directions.

Q. What were they doing?—A. They were picking up stones on the street, and seemed to be rushing for one certain spot.

Q. For what spot?—A. Down towards the Mole.

Q. Did you see them assaulting any person?—A. No sir, I didn't see them assaulting any person.

Q. Is that all you know? Is that the only disturbance you witnessed?—A. That was the only disturbance I saw.

Q. Did you see boatswain's mate Riggins and Apprentice Talbot on shore that day? If so, at what time, and where did you see them?—A. I saw them between the Plaza Victoria and the Landing at the Mole, between two and three o'clock.

Q. Were they walking on the street?—A. No; they were in a place called Peterson's; in a beer saloon called Peterson's.

Q. What was boatswain's mate Riggins's condition as to sobriety at that time?—A. He was perfectly sober when I saw him.

Q. What was apprentice Talbot's condition as to sobriety at that time?—A. Talbot was sober, the same as Riggins.

Q. Did you at any time, to any person in Valparaiso, express your approval of the action of the police on that day?—A. No sir.

(Sgd.)

JOSEPH VAN DAM.

JOHN P. GUSTAFSON, having been duly sworn, testified as follows.

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. John P. Gustafson; landsman, U. S. S. "Baltimore".

Q. What is your age?—A. 32 years.

Q. Were you attached to the U. S. S. "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore with other members of the crew of the "Baltimore" on the 16th day of October last?—A. Yes sir.

Q. Where were you most of the day when you were on liberty on shore there?—A. I was up by the Plaza called the Plaza Victoria.

Q. Did you see any difficulty or disturbance between any Chilean sailors or others, and members of the crew of the "Baltimore" there that day?—A. No sir.

Q. You were not down in the lower part of town?—A. No sir.

Q. Did you see boatswain's mate Riggins and apprentice Talbot of the "Baltimore" that afternoon?—A. Yes sir.

Q. Where did you see them?—A. Up towards the Plaza Victoria.

Q. What time?—A. About between two and three o'clock.

Q. Did you see them later that day, either of them or both?—A. No sir.

Q. What was the condition of boatswain's mate Riggins at the time you saw him there, as to sobriety?—A. He was sober.

Q. What was the condition of apprentice Talbot, as to sobriety?—A. He was sober.

Q. Did you at any time, to any person in Valparaiso, express your approval of the action of the police on that day?—A. No sir.

(Sgd.)

J. P. GUSTAFSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss :

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Jeremiah Anderson, T. H. Williams, Charles C. Willis, John W. Talbot, John H. Davidson, Frank Honnors, John Downey, James M. Johnson, John Hamilton, Lee A. Wallace, James Gillan, Alex. J. Stewart, Charles Eble, Charles Langen, Charles Wilson, Joseph Van Dam and John P. Gustafson, the witnesses who subscribed the foregoing depositions, were by me duly sworn; that said depositions were taken on the 11th day of January, A. D. 1892, at the Office Building of the Navy Yard, Mare Island, California; that said depositions were taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witnesses, and by them declared to be correct, and by them subscribed in my presence.

In witness whereof, I have hereunto set my hand this 12th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITIONS OF J. J. BECHTELE, S. HODGE, J. BUTLER, JOS. QUIGLEY, WM. SULLIVAN, OWEN CANNING, CHAS. B. SEMPER, JOHN H. DAVIDSON, *members of the crew of the "U. S. S. Baltimore", as to the attack on Landsman John H. Davidson at Valparaiso, Chile on the 16th day of October, 1891.*

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 12th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared J. J. Bechtele, S. Hodge, J. Butler, Jos. Quigley, William Sullivan, Owen Canning, Chas. B. Semper, and John H. Davidson, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JOHN JOSEPH BECHTELE, seaman apprentice, U. S. S. "Baltimore", recalled:

The JUDGE ADVOCATE-GENERAL.—Q. Did you see John H. Davidson, landsman of the U. S. S. "Baltimore", on shore at Valparaiso on the 16th day of October last?—A. Yes sir.

Q. State whether you saw him in the city of Valparaiso, at the time, and what he was doing when you saw him.—A. He was right by the Mole.

Q. Near it?—A. Very near it, yes sir. The first I saw of Davidson, he was running with his head down, and his face covered with blood. That was the last I saw of him. The next I saw was coming back again, I looked over where Davidson had been running, and I saw a crowd collected, and a saber sticking in the air. I could not tell who had the saber, and I could not tell who was there; but I surmised it was Davidson.

Q. You didn't see him?—A. No sir.

Q. The crowd was surrounding some person?—A. Yes, the crowd was surrounding some person.

Q. What did the crowd consist of?—A. Consisted of Chileans.

Q. What were they doing?—A. I couldn't see in the center of the crowd what they were doing. They were hollering and yelling.

Q. Were they throwing anything?—A. No sir.

Q. When you saw Davidson with his head down, running, were there any persons around him?—A. Yes sir; he was followed by a crowd with planks.

Q. With planks?—A. With charred pieces of planks, I should judge, ten or twelve feet long. They carried them in this position, (showing); they were swinging them, keeping them on a free swing; hitting him.

Q. Hitting him?—A. Yes sir.

Q. Did they hit him?—A. Yes sir.

Q. Did they knock him down?—A. I couldn't see whether they knocked him down.

Q. Did you see him make any assault on these people?—A. No sir, I did not.

Q. Was he running towards them, or away from them?—A. He was running from them.

Q. Were they pursuing him?—A. Yes sir; they were pursuing him.

Q. About what time of day was this?—A. It was between half past five and six o'clock, I should judge.

Q. Was it about dusk?—A. Yes sir; it was just about dusk.

Q. Did you see Davidson later that day?—A. No sir.

Q. What was Davidson's condition as to sobriety at the time, so far as you were able to judge?—A. He was sober, so far as I could judge. A drunken man could not run as he ran.

(Sgd.)

J. J. BECHTELE.

SYLVESTER HODGE, seaman apprentice first class, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. Did you see John H. Davidson, seaman of the U. S. S. "Baltimore" on shore at Valparaiso, on the 16th day of October last?—A. Yes sir; when we went ashore I saw him, and that evening when I was arrested.

Q. You saw him a second time?—A. Yes sir.

Q. Where did you see him a second time, and about what time was it?—A. The second time I saw him was about half past five or six o'clock.

Q. Where was it?—A. That was at the end of the dock; right on the Mole, sir.

Q. What was he doing at the time you saw him there on the Mole?—A. He was making his escape from somewhere; I don't know where he

was coming from; but there was a big gang about him, and they were trying to catch him. They were yelling out, "Kill the Yankee"; I could hear them. He was keeping them off with a stick.

Q. They were pursuing him, as I understand you?—A. Yes sir.

Q. What was this crowd you speak of?—A. They were Chileans.

Q. What were they doing?—A. They were trying to kill him.

Q. How?—A. With sticks and stones.

Q. Were they hitting him?—A. I don't know whether they were hitting him. I could not see him for the crowd. I could see the sticks go up over their heads. He was in the middle of the crowd.

Q. The crowd had him surrounded?—A. Yes sir; the crowd had surrounded him.

Q. How large was the crowd?—A. About twenty-five or thirty, I should judge.

Q. Did you see any policemen?—A. No sir; only the two that had me, going up to the station house; and they were not policemen.

Q. What were they?—A. They were dressed in civilian's clothes, and one of them had a big stick in his hand; and they carried me up to the port station house.

Q. How close were you to Davidson at that time?—A. I was about 50 yards from Davidson.

Q. Is that the nearest you got to him?—A. Yes sir; and I could see this gang around him.

Q. Did you see Davidson after that?—A. No sir; I didn't see him after that any more.

Q. Did you see him offer to make any attack, or make any attack upon these other people, except in the way of defense?—A. That is all the attack I saw him offer; just taking care of himself.

Q. What did he have?—A. He had a stick.

Q. And this crowd had what?—A. They had sticks too, and they were firing big cobblestones at him.

Q. Was there any other man from the "Baltimore" with Davidson at this time?—A. I don't know. I couldn't see any one else in there.

(Sgd.)

R. J. J. S. HODGE.

JOHN BUTLER, seaman apprentice, second class, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were ashore at Valparaiso, with other members of the crew of the "Baltimore", on liberty on the 16th day of October last, did you see John H. Davidson, landsman of the "Baltimore" there?—A. Yes sir.

Q. At what time of the day did you see him, and what was he doing when you saw him?—A. I couldn't tell the exact time.

Q. Well, about what time?—A. It was somewhere about four o'clock; nearly four o'clock.

Q. Where did you see him?—A. I saw him near the "Shakespeare" saloon.

Q. What occurred then?—A. He was in there taking a drink.

Q. What was he drinking?—A. I think it was beer.

Q. What was his condition as to sobriety?—A. He was sober, sir.

Q. How much beer did you see him drink?—A. We only had one drink in there, and then we went out.

Q. Who went out?—A. The whole lot of us. There was a whole lot of us together.

Q. Did you go out with Davidson?—A. Yes sir.

Q. What occurred then?—A. He left me then,

Q. Where did he go?—A. I don't know, sir.

Q. Did you see him go?—A. Yes sir.

Q. When did you see him again, and where?—A. I was further down the street in a saloon, and he came in, and he hollered that somebody was getting killed.

Q. What saloon was it?—A. I don't know the name of the saloon.

Q. Go on.—A. I followed him out.

Q. You followed who out?—A. I followed Davidson out. And I saw Hamilton laying down in the street, on the sidewalk.

Q. At that time?—A. Yes sir.

Q. What was the matter with Hamilton?—A. There was a whole crowd around him, and he was knocked down, and he had a cut in the back of his head.

Q. What was this crowd around Hamilton at the time?—A. They were citizens; there was one sailor there.

Q. What were they doing?—A. They were firing stones.

Q. At who?—A. At Hamilton.

Q. Were there any policemen there?—A. No sir. We put him on his feet, and he could not stand.

Q. Go on about Davidson.—A. And the mob got too strong for us, and we ran away. We could not get out any other way. We had to run which ever way it was clear.

Q. Who do you refer to when you say "we"?—A. Me and Davidson. And we were trying to make down to the dock, to get off to the ship. The mob was after us.

Q. Following you?—A. Yes sir. When we would meet two or three together in the street, they would try to stop us.

Q. What was the mob doing when they followed you?—A. They were following us, and throwing stones at us.

Q. About how many were there in the mob?—A. I couldn't tell you, sir; the whole street was full.

Q. What were they?—A. They were all citizens.

Q. Chileans, you mean?—A. Yes sir.

Q. Go on.—A. We ran until we got down to the Mole, and when we got down to the Mole, we got separated. Hodge joined us a little before we got down there. I couldn't see Davidson for about fifteen minutes after I got to the Mole, and the next time I saw him he was overboard.

Q. Off the Mole?—A. Yes sir; off the pier.

Q. In the water?—A. Yes sir.

Q. What occurred there while he was in the water?—A. I could just barely see him, and he was hollering to somebody around there, to a boat, to get in there.

Q. Did you see any assault made upon Davidson while he was in the water?—A. Yes sir.

Q. What was it?—A. There were stones thrown at him in the water.

Q. By whom were they thrown?—A. They were thrown by the men on the dock.

Q. Were they thrown at Davidson?—A. Yes sir.

Q. How do you know they were?—A. I saw them.

Q. Did they strike at about where he was in the water?—A. Yes sir; they struck all around him. There was a gig out there; I don't know what gig it was; but he was trying to get out there to it.

Q. Did you see Davidson again after that, after seeing him in the water?—A. Yes sir; I saw him when I was going away with the police.

Q. The police had arrested you?—A. Yes sir.

Q. As you were going away with the police?—A. Yes sir.

Q. Where was Davidson when you saw him then?—A. He was on the right hand side of the dock, with a whole crowd around him.

Q. A crowd of what?—A. A crowd of citizens.

Q. What were they doing?—A. They were beating him with clubs.

Q. Was he alone in this crowd?—A. Yes sir.

Q. No other man of the "Baltimore" with him?—A. No sir.

Q. About how large a crowd was it?—A. The whole dock was full, and right up to the square.

Q. Were there any police there?—A. The only police that were there had me and Hodge. There were ten or twelve of them.

Q. Did they attempt to arrest Davidson?—A. No sir. I pointed at him, for them to take him too. They didn't seem to want to do it. There wasn't enough of them there.

Q. Could they see the assault on Davidson?—A. Yes sir. They had enough to do to keep them from hitting us. They were all around us, so the mob could not hit us.

Q. What was Davidson's condition as to sobriety when you saw him that day?—A. He was sober, sir.

Q. Did Davidson have any weapons or arms, or a knife about him that was you discovered?—A. No sir; I didn't see any.

(Sgd.)

JOHN BUTLER.

JOSEPH QUIGLEY, coal-heaver, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were ashore on liberty at Valparaiso, with other members of the crew of the "Baltimore," on the 16th of October last, did you see John H. Davidson, landsman of the U. S. S. "Baltimore" on shore there?—A. Yes sir.

Q. Where did you see him, and what was he doing when you saw him on shore that day?—A. I saw him first off up near the "Shakespeare" with Talbot and Riggins. That was before the trouble began, sir. The next time I saw him was down on the Mole.

Q. What was he doing when you saw him down on the Mole? Describe the scene, whatever it was.—A. Well, he was laying on his back, and the whole mob was around him, kicking him and beating him; and he was trying to protect himself.

Q. How was he trying to protect himself?—A. By covering his face.

Q. With what?—A. With his arms.

Q. What else?—A. That was all, sir. That was when Sullivan and I broke into the crowd.

Q. That was about when?—A. That was about six or a quarter to six o'clock.

Q. How much of a crowd was there?—A. The crowd was thick. There must have been two or three hundred people there.

Q. Was Davidson alone?—A. Yes sir.

Q. Was he the only one of the "Baltimore's" crew in this crowd?—A. The only one I saw there was Davidson.

Q. What was the crowd doing to Davidson?—A. The crowd was kicking him, and stones were flying through the air. They were trying to beat him; kill him, in fact, if they could possibly do it.

Q. Were the stones flying in the direction of Davidson?—A. Yes sir; they were flying in Davidson's direction.

Q. You mean that they were thrown at him, while he was lying on his back?—A. Yes sir.

Q. Did you notice any police there?—A. Yes sir; I noticed police

and soldiers too. They were mixed with the crowd, and they never attempted to stop it, or anything of the kind.

Q. Were they armed police?—A. Every one of them that I saw wore side arms.

Q. You say they were police?—A. Yes sir; I think they were police; police and soldiers.

Q. Both armed, were they?—A. Yes sir.

Q. Did you at any time during the day see Davidson offer to make any attack upon any person?—A. No sir.

Q. What was his condition as to sobriety?—A. He was perfectly sober when I saw him.

Q. When you saw him up about the Shakespearé there, did he have any arms or weapons about him to your knowledge?—A. No sir.

Q. Was he in uniform?—A. He was in full uniform, yes sir.

Q. Was he in uniform when he was being assaulted on the Mole?—A. Yes sir.

Q. What was the character of the mob; what was the mob that you refer to, that was about him, principally?—A. The mob seemed to be composed of Chileans. They were all native; citizens.

Q. Did you hear them cry out anything? What were they saying?—

A. They were crying out, "Gringo Americano", something like that.

(Sgd.)

JOSEPH QUIGLEY.

WILLIAM SULLIVAN, oiler, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were ashore on liberty at Valparaiso, Chile, on the 16th day of October last, did you see John H. Davidson, landsman of the "Baltimore" there?—A. Yes sir.

Q. Where did you see him, and what was he doing at the time you saw him?—A. The first place I saw Davidson was on the Mole.

Q. About what time was that?—A. That was between half-past five and six o'clock, as near as I can judge. He was lying down on the flat of his back, and a Chilean soldier over him, kicking him, or one wearing the uniform of a Chilean soldier.

Q. Was he armed; this Chilean soldier?—A. Yes, sir; he had a knife in his hand, and Davidson was still on the ground, and a big crowd around him.

Q. Davidson was on the ground, on his back?—A. Yes, sir.

Q. What was the crowd doing?—A. They were trying to get near to him to kick at him. I got Davidson on his feet, and the two of us made our way out of the crowd.

Q. You rushed into the crowd?—A. Yes sir.

Q. Who were the other men with you?—A. Canning and Quigley were behind me, coming down at the time.

Q. Was any other of the "Baltimore's" men surrounded by the crowd when you came down, than Davidson?—A. No sir; Davidson was the only man I saw.

Q. And he was alone?—A. Yes sir; he was alone.

Q. Did you see any police about there at the time?—A. No sir; I didn't notice any police.

Q. How long did you remain there?—A. I remained there about five minutes, as near as I could judge.

Q. You put him on his feet, and then what occurred?—A. The two of us made the best of our way out of the crowd. We had to run for it.

Q. Did the crowd attack you?—A. Yes sir; they made after me with stones. I was arrested right on the corner by policemen.

Q. What were you doing when you left there; where were you going?—A. I was trying to get into some place for shelter, sir.

Q. You were trying to escape from the crowd?—A. Yes sir.

Q. Is that the only time you saw Davidson?—A. That is the only time I saw Davidson.

Q. What was Davidson's condition as to sobriety when you picked him up there?—A. As near as I could judge, he was sober. The man looked as though he had nothing to drink at all.

Q. What, in your opinion; was his condition?—A. In my opinion he was sober.

Q. Have you any doubt about his being sober?—A. No sir.

(Sgd.)

W. SULLIVAN.

OWEN CANNING, coal-heaver, U. S. S. "Baltimore," recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were ashore on liberty with the other members of the crew of the "Baltimore," on the 16th of October last, at Valparaiso, did you see John H. Davidson, landsman of the "Baltimore" on shore there?—A. Yes sir; I saw him down on the Mole.

Q. About what time of day was that?—A. I should judge it was between half past five and six o'clock, as near as I can guess.

Q. What was he doing when you saw him down on the Mole at the time?—A. He was defending himself from a mob of Chileans.

Q. Describe what occurred there?—A. When I saw him, he was just getting on his feet; he had just got on his feet. He was all bleeding, and he was getting attacked, and I didn't see any more, because I had to look out for myself.

Q. Was there a crowd about him?—A. Yes sir; there was a big crowd around him.

Q. About how many, do you suppose?—A. I should judge about five hundred, by the looks of them. I wouldn't say for sure.

Q. Was he surrounded by this crowd?—A. Yes sir.

Q. Was there any other person in there with him, any other member of the crew of the "Baltimore"?—A. No sir; not at the time he got there. He was all alone.

Q. You saw him assisted to his feet, did you?—A. Yes sir.

Q. By whom?—A. By William Sullivan.

Q. Did this crowd attack you, too?—A. Yes sir.

Q. With what?—A. With sticks, and they kicked me and hit me with their fists.

Q. Had you molested any of the crowd?—A. No sir; I had to defend myself though.

Q. Were you in uniform?—A. Yes sir.

Q. That is the only time you saw Davidson during the day, you say?—A. Yes sir; that was the only time.

Q. What was his condition as to sobriety when you saw him?—A. He must have been perfectly sober. If he had been otherwise, I don't see how he could have stood up there.

Q. How do you mean, "stood up"?—A. If he had been any way under the influence of liquor, I don't think he could have been able to have stood there.

Q. In your judgment, what was his condition as to sobriety?—A. He was perfectly sober, sir.

(Sgd.)

OWEN CANNING.

CHARLES B. SEMPER, Seaman, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were on shore on liberty with other members of the crew of the "Baltimore", at Valparaiso, Chile, on the 16th of October last, did you see John H. Davidson, landsman of the "Baltimore" there?—A. Yes sir.

Q. Where did you see him, and what was he doing when you saw him?—A. I saw him down towards the Mole, going down the street.

Q. Were you with him?—A. No sir; I was not with him.

Q. What was he doing?—A. Myself and Sylvester Hodge were going down the street, and Davidson came around the corner and waved his hand to us and said, "Come on, boys; they are fighting down here." We hadn't run more than ten yards, before the three of us were assaulted with stones by a mob on the street.

Q. About how large was this mob?—A. The streets were crowded with people. I could not count them.

Q. Who were they; what were they?—A. They were citizens; men, women and children; all ages and sizes.

Q. What were they doing?—A. They were throwing stones at us. They threw stones at us as we were going down.

Q. How close were they to you?—A. They were about ten yards from us.

Q. As I understand you, you were going down the street?—A. Yes sir.

Q. Was Davidson with you?—A. He came down, and we saw him.

Q. He joined you, did he?—A. Yes sir; he joined us in the street.

Q. What did Davidson do then?—A. Myself and Hodge started to run to go down to where the fight was; and Davidson ran around the corner; and he says, "Come down," and he waved his hand to us; he saw us going down, and he waved his hand to us, and said, "Come on, boys, they are fighting down here."

Q. Was this down in the direction of the Mole?—A. Yes sir.

Q. Was this crowd following you at the time?—A. No sir; they were ahead of us.

Q. Between you and the Mole?—A. No sir; not between us and the Mole. We had passed the Mole, going towards the north end like.

Q. In the direction of the Plaza Victoria?—A. No sir.

Q. Towards the lighthouse?—A. Yes sir; the other way towards the lighthouse.

Q. You were going from the Mole then, were you?—A. Yes sir; we were going from the Mole. They commenced to throw stones at us. Davidson and Hodge ran a little faster than I did, and of course they met the crowd before me; they got up towards where the crowd was before I did. And people saw us coming down, and they commenced throwing stones at us. And Davidson was a little in advance, and that threw him into the thick of it more than me.

Q. Do you mean you ran into the crowd?—A. Yes sir; because we heard they were fighting our shipmates, and we went to assist them if we could.

Q. When you approached the crowd, do I understand you that they attacked you?—A. Yes sir; they attacked us.

Q. Did you make an attack upon the crowd first?—A. No sir; we did not provoke them. We were going down, running down to where our shipmates were, and they commenced throwing stones and bricks at us.

Q. What became of Davidson?—A. Davidson and Hodge ran faster than I did, and they were thrown in the thick of the crowd. Of course, they were surrounded by the mob.

Q. Where were they then?—A. They were in the street.

Q. About where was it; down near the Mole?—A. Down near the Mole, but past the Mole, north of the Mole.

Q. It was near the Mole?—A. Yes sir; it was near the Mole; north of the Mole.

Q. Describe the scene there; whatever you saw there?—A. I saw the crowd throwing some bricks at them. Of course they were enveloped in the crowd, and I didn't see them any more.

Q. You didn't see them any more?—A. No sir; not before they came aboard.

Q. Did Davidson make an attack upon the crowd?—A. No sir; he did not.

Q. Did he assault any person there, to your knowledge?—A. No sir.

Q. Did you see him when he was surrounded by the crowd?—A. Yes sir; I saw him when he was surrounded by the crowd. He was making his way through them; he didn't mind them. They were throwing stones at him. He was going down towards where he thought the fighting was.

Q. Did you see him after that?—A. No sir; not until after we came aboard ship.

Q. What was Davidson's condition as to sobriety when you saw him that day ashore?—A. As far as I could see he was sober.

Q. Have you any doubt about whether he was sober or not?—A. No sir; he was sober.

(Sgd.)

C. B. SEMPER.

JOHN H. DAVIDSON, landsman, U. S. S. "Baltimore," recalled.

The JUDGE ADVOCATE-GENERAL.—Q. You have already testified that you were on shore on liberty with other members of the crew of the "Baltimore" on the 16th day of October last at Valparaiso?—A. Yes sir.

Q. State what occurred, so far as you were concerned, with reference to any difficulty on that afternoon in Valparaiso.—A. The first part of the row I saw, I saw Riggins lying in the street.

Q. The boatswain's mate of the "Baltimore"?—A. Yes sir; the man that was killed. He was lying in the street; he looked as though he was bleeding very badly; and I went to give him assistance, and I was jumped on by some Chilean sailors.

Q. Riggins was lying in the street?—A. Yes sir. Where I saw Riggins, was on Calle de Arsenal.

Q. He was lying in the street?—A. Yes sir.

Q. What occurred then?—A. I went to give him assistance, and these men jumped on me, and I was fighting them. And I left there; I went to look for assistance for Riggins. I saw it was no use of my standing there alone by myself. And when I came back Riggins was still lying in the same place, and I went to give him assistance again, and the mob jumped on me again; and I saw Hamilton about to be stabbed with a knife by a one-armed man.

Q. Who was this one-armed man?—A. He was dressed in a Chilean man-of-war's uniform.

Q. The man had a knife in his hand?—A. Yes sir; he had it raised over his head; and I struck him with a stone and knocked him down, and I tried to get the knife, and I couldn't find it.

Q. Was this man chasing Hamilton?—A. Yes sir, he was running behind Hamilton.

Q. Did Hamilton see him?—A. No sir; he was about to stab Hamil-

ton, and I struck him. And I saw two policemen, and I went to them for protection and one of them struck at me with a cutlass.

Q. Did he strike you?—No sir; I struck him with a stone.

Q. You struck the policeman with a stone?—A. Yes sir.

Q. Was that before or after he struck at you with his sword?—A. That was afterwards. Then I ran to the Mole.

Q. What was the crowd around Riggins, that you spoke of?—A. They were Chilean sailors and citizens.

Q. What were they doing to Riggins?—A. They seemed to be standing there over Riggins's body, beating everybody that came to give him assistance.

Q. Riggins was lying in the street?—A. Yes sir.

Q. Were any police there just at that time?—A. I never saw but these two policemen that I told you about.

Q. You ran down to the Mole?—A. I ran down to the Mole; and there seemed to be a crowd following me.

Q. What kind of a crowd?—A. A crowd of citizens and sailors.

Q. What were they doing when they were following you?—A. They were throwing stones at me.

Q. They were following you?—A. Yes sir; I was running the best I could to get down to the Mole.

Q. What occurred when you got to the Mole?—A. I ran on the Mole, and the crowd followed me right on there, and pressed me overboard with sticks and stones.

Q. Off the steps, you mean?—A. Yes sir.

Q. And into the water?—A. Into the water; and then they threw stones at me after I was in the water. I managed to get back on the Mole.

Q. What occurred then, when you were getting back on the Mole, if anything?—A. Yes sir, they stood there trying to prevent me getting out of the water.

Q. How; what were they doing?—A. By kicking at me and hitting me.

Q. Were you struck when you were in the water?—A. Yes sir.

Q. Where?—A. In the back of the head with a stone.

Q. With a stone thrown by this crowd?—A. Yes sir. After I got back on the Mole, I got a stick, and I was fighting them the best I could, trying to get away from them.

Q. You were surrounded by them then, were you?—A. Yes sir. I was surrounded by them.

Q. After you got out of the water, were they attacking you then?—A. Yes sir.

Q. What with?—A. With anything they could get.

Q. What did they have?—A. I never saw any knives, or anything like that.

Q. What did they have?—A. They were kicking me, and hitting me with planks and boards. There was a big pile of lumber there, and they had those, using them on me.

Q. Were you badly injured?—A. I got one wound in the side that gave me a great deal of trouble. It looks like a bruise. I was bruised all over, from my head to my feet. I couldn't move the next morning, when I was in the hospital.

Q. About what time was it that this happened?—A. This was about dusk.

Q. And you had come then down from where you saw Riggins?—A. Yes sir.

Q. After you got on the Mole, what did you do? Describe the scene further?—A. I ran, and I jumped over the rail by the statue, and I got a larger stick than what I had, and I came out again, and tried to get away from the crowd.

Q. This was after you got out of the water and on the Mole?—A. Yes sir.

Q. You jumped over the fence around the statue?—A. Yes sir, there is a railing fence there, and I jumped out of there, and the crowd seemed to be all around the railing; and they had me right in there, so I jumped over the fence again.

Q. Did they continue the attack?—A. Yes sir; they were throwing rocks at me then. So I jumped over the fence and ran up the street, and when I got around this corner, (showing on diagram), I fell into a kind of door. The crowd passed me, and then this man of war officer, this navy officer came along, and I reached out and grabbed him by the pants, and he carried me over into a clothing store across the street, and from there I went to the hospital.

Q. Who was this officer?—A. A French Navy officer.

Q. Attached to a French vessel there?—A. Yes sir; I suppose so.

Q. What did he do?—A. He carried me across over into a clothing store. I stayed there, and I asked for a drink of water, and they gave it me; and I was turned over to a Chilean officer. He had white pants on, and a blue coat; and he got a hack, and he carried me directly to the hospital.

Q. What hospital was it?—A. I couldn't tell you the name of the Hospital.

Q. Was it the city hospital?—A. I don't know the name of it.

Q. Did anything further occur in this clothing store that you were placed in, than what you have stated?—A. No sir; I was lying down in the office; it had a railing around it. It looked to me like a cashier's desk.

Q. Why were you lying down?—A. Because I was exhausted; I couldn't stand up.

Q. On account of the wounds and bruises you had received?—A. Yes sir; I was unable to stand. I could not walk to the cab.

Q. What was your condition as to sobriety at that time; that evening when this occurred?—A. I was perfectly sober, sir. I had drank about two glasses of beer before that.

Q. Did you or not make any assault upon any person on shore there, except when you were surrounded and attacked as you have stated?—A. No sir; all that I did was in self-defence; and in defending ship-mates. The only weapons I used were sticks and stones.

Q. Had you any weapons, arms or knives about you at the time?—A. No sir.

Q. You were in uniform all the time, were you?—A. Yes sir.

(Sgd.)

J. H. DAVIDSON.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States, for the Northern District of California, do hereby further certify that J. J. Bechtele, Sylvester Hodge, J. Butler, Jos. Quigley, Wm. Sullivan, Owen Canning, Chas. B. Semper and John H. Davidson, the witnesses who subscribed the foregoing depositions, were by me duly sworn; that said depositions were taken on the 12th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare

Island, California; that said depositions were taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witnesses, and by them declared to be correct, and by them subscribed in my presence.

In witness whereof, I have hereunto set my hand this 13th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITIONS OF JOSEPH QUIGLEY AND OWEN CANNING,
members of the crew of the U. S. S. "Baltimore," as to the condition of William Turnbull as to sobriety, on the 16th day of October, 1891.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remy, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 12th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Joseph Quigley and Owen Canning, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

JOSEPH QUIGLEY, coal-heaver on the "U. S. S. Baltimore," recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were on liberty on shore at Valparaiso, on the 16th day of October last, did you see William Turnbull, coal-heaver of the "Baltimore," on shore, on liberty, that day?—A. Yes sir.

Q. About what time did you see him, and where? State if you had any conversation with him, and what it was?—A. It was around four o'clock.

Q. Four o'clock in the afternoon?—A. Yes sir. Canning and I were together with Christie and Sullivan of the "Baltimore." I see Turnbull going down the street with two men in citizen's clothes. I asked him where he was going. He told me that he was going to see a man who was born in the same town with him, who was dying, or something of the kind. I advised him not to go with these two citizens.

Q. Why?—A. Because I did not like the looks of them, but he still persisted in going, and I could not use any force to stop him.

Q. What was his condition as to sobriety, at that time?—A. He was perfectly sober at the time. That was all I see of him until he was taken on board the ship.

(Sgd.)

JOSEPH QUIGLEY.

OWEN CANNING, coal-heaver on the "U. S. S. Baltimore". Recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were on shore on liberty at Valparaiso, on the 16th day of October last, did you see William Turnbull, a coal-heaver of the "Baltimore" on shore there?—A. Yes sir, I saw him first in the afternoon.

Q. About what time?—A. About four o'clock, I should judge, and he was up round the Shakespeare. He told me he was going down to see a friend of his, who was born in the same place as he was, who was sick.

Q. Was anyone with him?—A. Two citizens.

Q. He said that this friend of his was sick?—A. Yes sir. Then again I saw him in the evening between 7 and half past 7.

Q. Where?—A. Lying in the drugstore, up near the Shakespeare; one block below the Shakespeare. He was all cut in the back.

Q. Where was he lying?—A. Lying on his side on the floor.

Q. In the drugstore?—A. Yes sir.

Q. What was the matter with him?—A. His back was all cut-up with stabs.

Q. Any signs of blood about him?—A. Yes sir, there was blood on his back.

Q. How close did you get to him?—A. About as far as from here to that desk (pointing).

Q. About five yards?—A. Yes sir, about that.

Q. Was there a crowd about him?—A. Yes sir, a large crowd outside the door. I had a job to get in the door, to see who it was.

Q. Were you in uniform?—A. No sir. I had a light coat and hat on.

Q. That was after you had changed your uniform?—A. Yes sir.

Q. Was there a crowd of Chileans there?—A. Chileans, men-of-war-men, soldiers and citizens.

Q. Were they making any noise at all?—A. No sir, not much noise.

Q. Were many of them in the drug-store?—A. No sir; there were only three people in there.

Q. What were they doing to Turnbull, when you saw him lying on the floor of the drug-store?—A. One young fellow was kneeling down alongside of him. He was not doing anything.

Q. What was the condition of Turnbull as to sobriety, when you saw him that first time?—A. He was sober.

Q. Was he in uniform?—A. Yes sir, he was in uniform.

(Sgd.)

OWEN CANNING.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of United States for the Northern District of California, do hereby further certify that Joseph Quigley and Owen Canning, the witnesses who subscribed the foregoing deposition, were by me duly sworn; that said depositions were taken on the 12th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said depositions were taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witnesses, and by them declared to be correct, and by them subscribed in my presence.

In witness whereof, I have hereunto set my hand this the 13th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF E. R. STITT.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 12th day of January, 1892, before me, James S. Manley, a Commissioner of the

Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared E. R. Stitt, who after being duly cautioned and sworn, did depose and say as follows, to-wit:

E. R. STITT, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rank, and station?—A. My name is E. R. Stitt, Assistant-Surgeon, U. S. Navy, serving on board the "U. S. S. Baltimore."

Q. Were you attached to the "U. S. S. Baltimore," when that vessel was in Valparaiso, Chile, in October last?—A. I was.

Q. And prior to that?—A. Yes, sir.

Q. How long have you been attached to her?—A. Since January 7th, 1890.

Q. Were you on shore in Valparaiso on the 16th day of October last, when members of the crew of the "Baltimore" were on liberty there?—A. I was not on shore on the 16th, the day that this assault occurred.

Q. Did you see any of the members of the crew of the "Baltimore" who were wounded, when they were on liberty on shore in Valparaiso, on the 16th day of October last? If so, under what circumstances and when did you see them?—A. I was not on shore on the 16th.

Q. I am not confining my question to that date?—A. On the morning of the 17th of October I was ordered ashore by Captain Schley to see the men in the San Juan de Dios Hospital.

Q. At Valparaiso?—A. Yes sir. On arriving at the hospital, I went into the prison wards of the institution, and saw there Turnbull, Davidson, Hamilton, Panter, and Talbot.

Q. Who were these men?—A. Sailors attached to the "Baltimore". After speaking with them, I told them I would return in a few moments. I then went to the dead-house of the hospital and saw the body of boatswain's mate Charles W. Riffin of the "Baltimore" lying on the table. An autopsy had been previously held by the physicians attached to the hospital or belonging to the city.

Q. That is, on the body of Riffin?—A. Yes sir. On account of the number of incisions made at the wound of entrance by the examining surgeon, it was impossible to locate it absolutely, but it was very near the inferior angle of the right superior carotid triangle, the ball taking a course downward, backward, and outward, fracturing two cervical vertebræ, and lacerating the internal jugular vein. The wound of exit was just internal to the vertebral border of the left scapula. From the direction pursued by the ball never deviating from a straight course, the great length of the track traversed by the projectile, the character of the tissues passed through, and the appearance of the wound of exit, which was from one to one and a quarter inches in diameter—

Q. That is where the ball passed out?—A. Yes sir, and remarkably lacerated border, I judged the bullet to have been of lead, and fired from a rifle. On examining the other parts of the body I found two or three contusions about the head as if they had been made by stones or sticks.

Q. Blows on the head?—A. They were contusions and also two incised wounds about the lower part of back, and buttock, which were of a trivial nature. The bullet wound was necessarily immediately fatal. I think that is about all in regard to the character of the bullet wound.

Q. What was the appearance of the two incised wounds to which you refer?—A. They were very superficial.

Q. By what kind of an instrument, in your judgment, were those wounds inflicted?—A. By a sharp instrument, a knife.

Q. Were any or all of those wounds, or the contused wounds on the head, of such a character as to have caused the death of Riggins?—A. No sir; they could have produced unconsciousness however; temporarily unconsciousness.

Q. But they were not fatal?—A. They were not fatal.

Q. What experience had you had with reference to gunshot wounds?—A. Only a month previous to this time, I was in two Chilean hospitals at Valparaiso, where I had under my charge 200 of the wounded in the battle of Placilla.

Q. Wounded Chileans?—A. Yes, sir; and I also had opportunity for examining 150 to 200 other wounded Chilean soldiers which wounds had been caused chiefly by lead bullets fired from rifles.

Q. Was the wound that you have described, caused by the shot which passed through Riggins's back and killed him similar to any of those which were caused by rifle shots in the cases to which you have referred in the hospital?—A. It was. I may state that it was the largest wound of exit, I have ever seen.

Q. In the case of Riggins?—A. In Riggins's case.

Q. Then, as I understand you, from the experience which you had but a short time prior to the time that you examined the body of Riggins, in cases of gun-shot wounds, you were satisfied from the appearance of Riggins's wound that it was caused by a shot fired from a rifle?—A. I was, from my own experience, reasonably satisfied, that the ball had been fired from a rifle. What made me absolutely certain was that on board ship, I had a piece of cloth pierced several times by United States Navy rifle projectiles, and by pistol projectiles. The rifle ball perforations corresponded exactly with perforations made in the shirts of Johnson, the armorer of the "Baltimore", who held Riggins when he was shot, the pistol holes being vastly smaller—a great deal smaller—than that made by the rifle ball.

Q. From your examination of the body of boatswain's mate, Riggins, what in your judgment, was the immediate cause of his death?—A. The bullet wound from the rifle which passed through the neck, and fractured the vertebra.

Q. Did you make any further investigation or report upon the question as to the character of the projectile with which Riggins was shot on the occasion referred to; if so, what was it? State all the circumstances connected with it.—A. Some time after I examined the body of Riggins, the judge of crimes of Valparaiso requested Captain Schley to have the medical officer who examined the body of Riggins make a certificate as to the character of the wound, and especially as to the character of the projectile which caused the wound, whether a rifle or pistol-ball. I wrote a certificate, giving as reasons for believing it to have been a rifle ball, those I have stated before to this court.

Q. To whom did you give this certificate?—A. I gave this certificate to Captain Schley, who sent it to the judge of crimes. A few days afterwards, I was ordered with past assistant surgeon White, of the "Baltimore," to appear before a board consisting of Lieutenant McCrea, of the "Baltimore," and two Chilean officers.

Q. Who were those officers?—A. A line officer of the Chilean army, and one in the navy. Past assistant surgeon White and myself presented the proofs given above. The two Chilean physicians who had made certificates that the fatal projectile was fired from a pistol, or revolver, stated that they claimed it was a pistol projectile, on account of their experience in such wounds. We then had a paper drawn up by the secretary of the judge of crimes, which stated, that the Chilean

physicians, mentioning them by names, gave as their opinion that the pistol ball produced the wound and that the American physicians, by name, gave as their opinion, that the ball was fired from a rifle.

Q. That is Doctor White and yourself?—A. Yes sir. All four signed the paper.

Q. Where did this paper go then?—A. I do not know.

Q. Where did you last see it?—A. I last saw it in the hands of the secretary of the judge of crimes.

Q. You delivered it to him?—A. He wrote the paper. It was written in Spanish, and on translating it, I saw what it was, and signed it.

Q. Was this at the court?—A. This was in the office of the Secretary of the judge of crimes, practically in court.

Q. It was in the building where the sessions of the court were held?—A. Yes sir.

Q. Who were these Chilean physicians? Did they belong to the Army or Navy?—A. They were civil physicians; I think the city physicians.

Q. Did you express your opinion to this board to which you referred, in addition to this written certificate which was given to the Secretary of the court.—A. I did.

Q. Please state the opinion, as given to the board orally.—A. From the great length of the wound, about 9 inches, the lacerated character of the wound of exit, and large diameter, one and a quarter inches, the character of the tissues traversed, and the similarity between the perforations in the shirts of Johnson, armorer of the "Baltimore" and those produced in a piece of cloth on board the "Baltimore" by United States navy rifle projectiles, and the vastly smaller size of perforations produced by United States navy pistol projectiles in this same piece of cloth, and also from the straight direction pursued by the ball, it was my opinion that it was caused by a rifle-ball.

Q. After making an examination of the body of boatswain's mate Riffin, as stated, did you then return to the other wounded men of the "Baltimore" who were in the hospital and examine them?—A. I did, and found on John Hamilton, carpenter's mate on board the "Baltimore", two contused wounds of the head, and also two incised wounds, one just above the buttock, and one on the buttock. It was just above the crest of the ilium. These incised wounds were not of a grave character. The wounds of the head also were comparatively slight, but he had lost a great deal of blood from these wounds, and was exceedingly weak.

Q. When you say they were not of a grave character, I understand you mean they were not wounds that were likely to prove fatal?—A. Exactly; they were not fatal. It was impossible for Hamilton to rise from his bed without fainting. You could see it coming on. I think that is all I have to say about Hamilton.

John Talbot, apprentice on the "Baltimore," had two wounds of the back, one just over the last cervical vertebra, about an inch and a half in length, not very deep, and the other over the right scapula, about 5 or 6 inches in length. One was supposed by the surgeon in charge of the prison wards, to have been a penetrating wound of the lung. In my opinion, it was not a penetrating wound of the lung.

George Panter, a coal-heaver of the "Baltimore," had one contused wound at the back of the head; rather serious; probably produced by a rock or stone.

John Davidson, landsman of the "Baltimore," had one wound of the head, which was probably produced by a cobble-stone. His body was bruised in many places, and he was very weak from loss of blood, and the bruises he had sustained.

William Turnbull, coal-heaver attached to the "Baltimore," had 21 wounds all of the back. None of them were serious, with the exception of one, which from my examination, probably penetrated the lung.

Q. From your examination, it appeared to have penetrated the lung?—A. Yes sir, the others were not of a grave character.

Q. Explain what you mean by that?—A. I mean wounds that were not liable to cause death. There seemed to be no reason on my first examination, that a fatal result should ensue.

Q. I understand, from what you say, that the wounds were not, in your judgment, of such a character as would probably result fatally?—

A. They were not. The day after this examination, Sunday, the 18th inst., I found Turnbull in a critical condition—he was still in the hospital—from the elevation of temperature, and circulatory disturbance. I asked permission from the sister in charge of the hospital, to dress the wounds of all the men. This was refused on the first day, they, the sisters, stating that it was impossible to interfere with any wound, without permission from the surgeon in charge. On the second day of my examination of Turnbull, I more strenuously insisted on their allowing me to attend to the wounds of the sailors in the hospital. This was also refused, although the sisters did everything in their power to make our men comfortable. The person in charge of the ward was simply a nurse—a man—with no knowledge as to the proper care wounds should receive. The wounds of our men in the hospital, were in one or two instances irrigated most imperfectly by antiseptic solutions, but in the great majority of the wounds, no such attention was bestowed upon them; simply a little iodoform ointment was put on a piece of cloth and applied over the wound. The condition of Turnbull becoming more serious, and as there was no night attendant, I called in consultation past assistant surgeon White, of the "Baltimore," who agreed with me, that it was imperative that Turnbull should be taken on board the ship. For two days, the Judge of Crimes refused to allow the sailors, including Turnbull, to leave the prison wards of the hospital. The sisters were exceedingly anxious to remove Turnbull from the prison wards. It was only upon representing to the Judge of Crimes that Turnbull might die in the prison wards of the hospital, that he gave me permission to remove the sailors, including Turnbull, from the prison wards.

Q. Was or was not the condition of the prison wards in the hospital as well adapted, and as comfortable, for the treatment of wounded men, as the other wards in the hospital?—A. I don't think it was. Those in authority in the hospital thought the same thing. It being very late in the afternoon, it was impossible to remove Hamilton and Turnbull, but I brought on board ship, Talbot, Davidson and Panter, and the next morning Hamilton and Turnbull, using a stretcher for Turnbull.

Q. How long did Turnbull live after he was removed to the ship?—A. Turnbull was removed to the ship on the 22nd of October, and died on the 25th.

Q. To what do you attribute his death?—A. To blood poisoning.

Q. Resulting from what?—A. Resulting from imperfection in antiseptic methods, which allowed blood-poisoning to take place in these wounds.

Q. Was the death of Turnbull, due to the wounds that he received on the 16th of October?—A. It was not due to the wounds directly.

Q. Was it or not a result of these wounds that he received on the

16th day of October?—A. It was a result of the wounds. Blood-poisoning set up in the wounds.

Q. How many of these men were in the hospital at the time?—A. Five.

Q. In your examination of the wounds of these men in the hospital, or at any time subsequently, did you see any wounds which appeared to have been inflicted by the use of a sword bayonet?—A. I did, in the case of Hamilton.

Q. What part of the body was that wound?—A. There was a wound of the buttocks. The reason I thought it was caused by a sword-bayonet, was from the character of the perforation in the drawers worn by Hamilton being very broad and cut smooth.

Q. About how broad was the cut?—A. About an inch and a half to two inches.

Q. As I understand you, these cuts or wounds in the bodies of these men that you examined, independent of the appearance of the clothing they were wearing at the time would not show whether they were caused by a bayonet, or any other sharp instrument in the shape of a knife?—A. They would not.

Q. Was that the case with Hamilton's wound, independently of the condition you found the hole in the drawers?—A. It was. It was impossible to say whether it was made with a sword-bayonet, or another sharp instrument.

Q. With reference to the wounds of the other four wounded men, are you able to say whether or not they were made by sword bayonets?—A. I am not.

Q. Why?—A. Because the point of a sword-bayonet is practically identical with a knife, or some other sharp cutting instrument, and in some of these wounds it might have been a sword bayonet. The instrument had not penetrated sufficiently far to indicate that it was a sword bayonet.

Q. Could you tell from your examination of those wounds, without reference to their depth, and independent of the hole made through the clothing, whether or not they were made by a knife or a sword bayonet?—A. If a sword bayonet should penetrate sufficiently to give the wound the width which a wound made by a sword-bayonet would have, I think it could. It is possible to have a knife similar to a sword-bayonet. I think it could be as broad as a sword-bayonet.

Q. Then are you able to state whether or not those other wounds were made by a knife or a sword bayonet?—A. I am not.

Q. So far as you are able to judge, from your own observation, what was the feeling existing among the residents of Valparaiso, with reference to Americans, or American sailors, or officials, prior to the time that liberty was given to the crew of the "Baltimore," on the 16th day of October last?—A. I know that an extremely hostile feeling existed towards Americans. I can no better illustrate this, than by the following incident. The hospital officials were in need of physicians after the battle of Placilla, about the 1st of September, and when past assistant surgeon Edgar of the "San Francisco," and myself had been given wards in one of the city hospitals at Valparaiso, a Chilean army officer, high in rank, flew into a rage, because his son was being treated by American physicians, and he said that he would rather his son died than have Americans touch him.

Q. Who was attending him?—A. We were attending him.

Q. Had the son been wounded in the Chilean army?—A. The son

had been wounded in the Chilean army, and was extremely anxious to remain in our wards.

Q. Was this Chilean officer to whom you refer, as high in rank, present in the hospital at the time he made the remark to which you have referred, and in your presence and hearing?—A. He was. I do not understand Spanish sufficiently well to translate a long remark, but he was gesticulating wildly, and I could catch the word “Yankee”, and another American, who had been many years in the country, translated what he said for me.

Q. Was this American present at the time?—A. This American was present at the time, and the son was removed from our wards to prevent trouble.

Q. Were you, at this time rendering voluntary service to the wounded of the Chilean army?—A. We were.

Q. By request of the hospital authorities?—A. By request of the hospital authorities, and the orders of Admiral Brown. They requested our services of Admiral Brown.

Q. What difference, if any, in the feeling of the residents of Valparaiso towards the Americans, did you notice as between what you observed when the “Baltimore” first visited Valparaiso in May last, and that existing after the fall of Valparaiso in the latter part of August last?—A. It was totally different.

Q. How?—A. In May they were exceedingly friendly. After the fall of Valparaiso, they were most unfriendly.

Q. Did William Turnbull, the coal-heaver of the “Baltimore,” who died, as you have stated in your testimony, make any statement with reference to the attack upon him when he was on shore at Valparaiso on the 16th day of October last? If so, please state what it was, and under what circumstances it was made?—A. He made an ante-mortem statement to me.

Q. Where was it made, and when?—A. It was made in the prison ward of the hospital.

Q. On what day?—A. On the 18th of October.

Q. Two days after he was assaulted?—A. Yes sir.

Q. Did he make it to you?—A. Yes sir, he made it to me, and I took it down at the time.

Q. Have you that statement?—A. Yes sir.

Q. Will you please read it?—A. It is as follows (reading):

“I was not intoxicated. I was talking with a friend, an American, and we went into a bar-room, and they in the bar-room told me there was a crowd outside waiting for me and not to go out, so I waited for awhile until I thought they had gone away. Then I went out and as soon as I was outside was struck on the head with a stone. I turned around and tried to get back into the saloon, but they would not let me in. The mob was around me on all sides, and in a short time I was knocked unconscious, and I only came to in the hospital. I do not remember when I was stabbed.”

That is the statement he made to me.

Q. Did Turnbull ask to make his statement? It was voluntary on his part?—A. It was voluntary on his part, I asked him for it of course, but I did not give him an order to make it, or anything of that kind.

Q. When you called at the hospital in Valparaiso on the 17th of October last, the day after the disturbances on shore, to see the wounded members of the crew of the “Baltimore”, Turnbull, Talbot, Panter, Hamilton and Davidson, did you make an inquiry of the Sister in

charge of the Ward where these men were, as to their condition as to sobriety, when they were received at the Hospital?—A. By order of Captain Schley, I made inquiry of the Sister, who was in charge of the prison wards of the hospital where these men were, whether the American sailors were drunk, at the time they were received at the hospital and she replied “no”, in Spanish.

Q. What American sailors did you refer to?—A. The American sailors, Talbot, Turnbull, Hamilton, Davidson and Panter.

Q. What did she say?—A. I asked her in Spanish whether they were drunk at the time they were received at the hospital, and she replied “no”.

Q. What did she say?—A. She answered “no”.

Q. She said they were not drunk?—A. Yes sir.

Q. Did you understand from her that these men were sober when they were received at the hospital?—A. I did.

Q. When were they received at the hospital?—A. The evening of the 16th of October last.

(Sgd.)

E. R. STITT,
Asst. Surg. U. S. N.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that E. R. Stitt the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 12th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 13th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF STEPHEN S. WHITE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 12th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Stephen S. White, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

STEPHEN S. WHITE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE GENERAL.—Q. Please state your name, rank, and station.—A. My name is Stephen S. White; past assistant surgeon in the United States Navy, and serving as such on board the “U. S. S. Baltimore”.

Q. Were you attached to the “Baltimore” when that vessel was in the harbor of Valparaiso, Chile in October last?—A. Yes sir.

Q. How long have you been attached to the "Baltimore"?—A. Since June, 1891.

Q. Were you on shore in Valparaiso, on the 16th day of October last, when the members of the crew of the "Baltimore" were on shore on liberty?—A. I was.

Q. Did you see any members of the crew on shore that day?—A. I did.

Q. About what time of the day did you last see them?—A. About 20 minutes after 5 in the afternoon.

Q. About how many of them did you see?—A. About 10.

Q. Where were they?—A. Walking along Calle Esmeralda and Calle Prat.

Q. Between the Intendencia and the Plaza Victoria?—A. I also saw several men around the Intendencia and that part of the town, between the Plaza Victoria and the Plaza Intendencia.

Q. What was the condition of the men whom you saw on that occasion as to sobriety?—A. All the men I saw were sober, and saluted officers that passed, as they would on board the ship. Every man whom I saw, was perfectly sober.

Q. Did you see any disorderly conduct on the part of any members of the crew of the "Baltimore" on that day?—A. I did not; I saw the man saluting all officers as well as our own, and the officers of other vessels in the harbor, English, French, German and Chilean.

Q. Did you see any of the wounded members of the crew of the "Baltimore" when they were on shore on liberty in Valparaiso, on the 16th day of October, last, and if so, under what circumstances, and when did you see them?—A. The first wounded man that I met, was Jerry Anderson, whom I saw on board the ship on the morning of the 17th of October. From time to time, during the following three days, I had men come to the sick bay for treatment, who had been wounded on the 16th of October, on shore. On the afternoon of the 21st of October, I went on shore in consultation with assistant surgeon E. R. Stitt, to see the wounded men from our ship in the hospital San Juan de Dios. After visiting Talbot, apprentice, Davidson, landsman, and Panter, coal-heaver of the "Baltimore", and finding their wounds not of a serious nature, I went and examined carpenter's mate John Hamilton, and found him suffering from severe pain in the abdomen and back. The sister-of-charity had refused Doctor Stitt permission to give this man any treatment.

Q. This hospital was in charge of sisters-of-charity?—A. Yes sir, stating that no one would be allowed to treat prisoners in this ward, without permission from the doctor in charge, but Hamilton's condition was such, that I demanded that he receive attention at once. After a delay of half an hour, I obtained hot water and soap, and an improvised syringe, and gave him an enemata of warm water which eased him for the time being. I had taken on shore with me some sulphate of magnesia, as I thought it more than likely that the men had not received proper attention, and would probably be constipated. Hamilton was the only one requiring the salts. Then I examined Turnbull. I found his wounds had received imperfect treatment, and after consultation with Doctor Stitt, determined that the best thing to do, would be to take that man on board the ship. We then went to the Judge of Crimes, stated the condition of this man Turnbull, and obtained a verbal consent to take the men off. Doctor Stitt returned to the hospital, but they would not allow him to remove them, without a written permission. He finally succeeded in obtaining permission, and took Davidson,

Talbot and Panter, in a carriage down to the Mole, and brought them off to the ship. I went off to the ship, reported the condition of the men to Captain Schley, and gave my reasons for wishing to bring them on board the ship. The following morning, with an escort under command of Lieutenant McCrea, I went to the San Juan de Dios hospital, placed Hamilton in a carriage, and sent him to the Mole, put Turnbull in a stretcher, carried him to the Mole, placed him in a boat, and took him off to the ship.

Q. Did you take Hamilton off at the same time?—A. Hamilton had been placed in a boat and carried off before we arrived. As soon as we arrived, I dressed Hamilton's wounds, and then thoroughly cleansed and dressed the wounds of Turnbull. The bathing and attention he received, refreshed him very much. His condition remained the same for 24 hours, when great elevation of temperature was observed, with disturbances of circulation, and respiration, and inability to sleep. Every means were used to produce sleep, but failed. The wounds were dressed on the following day with similar relief of his condition, but lasted a short time. His temperature began to mount up rapidly, and it was impossible to reduce it by drugs. We kept him alive with stimulants during the day and night, and the following morning, after a careful examination of the lungs, found fluid and pus. We determined to aspirate the chest, and removed a small amount of serum, blood-stained. The temperature dropped immediately to within one degree of normal, and he seemed somewhat relieved. About 2 o'clock in the afternoon his temperature began to rise, and he grew rapidly worse, becoming delirious about sundown, sank gradually, and died at 12:45 the following morning.

Q. What date was that?—A. October 25th.

Q. Please describe the wounds of Turnbull, Hamilton, Talbot, Davidson and Panter? Did you see the body of Riggins?—A. No sir; I did not see Riggins's body at all. Talbot, the apprentice, had two incised wounds in the back, one over the left cervical vertebra, and the other over the scapula, over 5 inches in length. These wounds must have been made with a sharp cutting instrument, such as might be produced by a knife, or a sword bayonet. John Hamilton, carpenter's mate of the "Baltimore" had several contused wounds on the back of the head, and incised wounds of the buttock, and one just above the crest of the right ilium. These wounds were also made with a sharp cutting instrument. The wounds on the back of the head being contusions, were not of a serious nature, and were produced with a blunt instrument, such as a stone, or a piece of wood. John Davidson, landsman, of the "Baltimore", had a severe but not fatal contused wound on the back of the head, which also was produced with a blunt instrument, either a stone or piece of wood. George Panter, coal-heaver, of the "Baltimore", had a severe contused wound in the back of the head, which was produced with a blunt instrument, and there were contusions on the body as well.

Q. Were these other wounds to which you have referred, similar to those of Talbot, which you have stated might have been produced or made with a knife or sword-bayonet?—A. They were all clean-cut sharp wounds, such as might have been produced with a knife or sword-bayonet. It is impossible to say whether it was a sword-bayonet or knife. They were sharp, clean-cut wounds.

Q. What, in your judgment, caused the death of Turnbull?—A. The immediate cause of death was blood-poisoning, which resulted from im-

perfect dressing, and attention to the wounds he had received from the mob in Valparaiso.

Q. Where was this imperfect dressing and attention?—A. In the prison-ward of the San Juan de Dios hospital in Valparaiso.

Q. Were not those wounds, of a serious nature?—A. They were of a serious nature, but not necessarily fatal.

Q. Please state the names and ratings of any other members of the crew of the "Baltimore," who were injured and wounded on shore, when on liberty in Valparaiso, on the 16th day of October last. Also the nature of the wounds or injuries?—A. Jerry Anderson, coal-heaver, had an incised wound of the upper lip, and two wounds on the back, incised, one about an inch deep, and the other 5 inches in depth, penetrating the left lung between the 7th and 8th ribs.

Q. Was that a serious wound?—A. A very serious wound, from which he lost a great deal of blood, and from which death would have followed without proper treatment. This man Anderson was under treatment from the 17th of October to the 30th of November, on account of this incised wound in the back. William Caulfield, private-marine, stremma on the calf of the leg, due to a blow which he received from a blunt instrument, while on shore in Valparaiso; also the right knee where he was kicked by some one in the mob. He was disabled four days. Joseph Quigley, second-class fireman, stremma of the right thumb, which was the result of an attack by the mob in Valparaiso. Quigley was disabled 8 days. Frederick Clifford, Marine drummer, contusio of left eye, the result of a blow from a stone, by one of the mob in Valparaiso. He was disabled for three days. Michael Houlihan, incised wound of the left thumb, which was the result of a sharp instrument in the hands of some one in the mob on the 16th of October, in Valparaiso. Houlihan was disabled six days. Frank Smith, apprentice, incised wounds on the right side of the scalp, not of a serious nature, probably produced by a stone. Smith was disabled for two days. John Butler, apprentice, incised wounds right side of scalp, contusion of the right arm and leg, none of a serious nature. Butler was disabled two days. John McBride, an incised wound of the left wrist, and also of the scalp, and a contused wound at the back of the head. None of these wounds were of a serious nature. He was disabled for six days. James Gillen, coal heaver, stremna of left wrist; considerable swelling and pain, but not of a serious nature. He was disabled for two days. William Lacy, coal-heaver, contused wound on the back of head of a serious nature, but from which he recovered speedily, also receiving incised wound across left elbow-joint, which was very serious, as it involved the elbow joint, and might possibly render the arm stiff. He was disabled two days. R. J. J. S. Hodge, contusion of the body and head; result of an attack by the mob in Valparaiso on the 16th day of October. He suffered a great deal of pain for several days while confined in the jail at Valparaiso. He was disabled six days. John Rooney, coal-heaver, contusion of the body and head, the result of an attack by the mob in Valparaiso, not serious; disabled three days. Herman Fredericks, ordinary-seaman, incised wound over right eye; result of an injury sustained on shore in Valparaiso; the wound made with a sharp cutting instrument; not of a serious nature but disfiguring; disabled five days.

Q. Were the incised wounds, to which you have last referred in the list of wounded men given, of the same character as those described in the cases of Talbot and others?—A. Yes sir.

Q. Did you make any investigation or report on the question as to

the character of the projectile with which Riggins was shot on the occasion referred to, if so, what was it? State all the circumstances connected with it?—A. After making a number of experiments with a piece of cloth of the same character as that on the shirts Johnson wore while on liberty in Valparaiso, it was placed against a piece of meat and fired at with a United States Navy rifle, and a United States navy pistol, by assistant surgeon E. R. Stitt, for the purpose of comparing the size of the hole made in this cloth, and that in the shirt of Johnson, the armorer of the U. S. S. "Baltimore", which had been made in the shirt by a projectile fired on shore, and which produced the death of Riggins the boatswain's mate. This piece of cloth was taken on shore for the purpose of convincing the surgeons appointed by the Judge of Crimes—

Q. What surgeons?—A. The Chilean surgeons appointed by the Judge of Crimes to meet us and decide whether the death of Riggins resulted from a pistol-shot, or a rifle-shot. After discussing the question with the surgeons for some time, we gave our opinion and reasons for saying that death had resulted from a rifle-shot, while they stated death had resulted from a pistol-shot, but gave no reasons for such an opinion. We signed a paper in Spanish, giving our opinion that death resulted from a shot fired from a rifle, and not from a pistol or revolver. This opinion was written out in Spanish, and given to the Secretary of the Judge of Crimes.

Q. For what length of time were Hamilton, Talbot, Davidson and Panter, respectively, disabled for duty, by reason of wounds received on shore at Valparaiso on the 16th of October last?—A. Panter was disabled from October 17th to November 22nd. Hamilton was disabled from October 17th to November 17th. Talbot was disabled from October 17th to November 25th. Davidson was disabled from October 17th to October 26th.

Q. So far as you are able to judge, from your own observation, what was the feeling existing among the residents of Valparaiso, with reference to Americans, or American sailors, or officials, prior to the time that liberty was given to the crew of the "Baltimore", on the 16th day of October last?—A. I had no knowledge of the feeling that existed, with reference to the Americans, before the fall of Valparaiso, consequently I do not know what the feeling was, before the opposition succeeded.

Q. What was it after the fall of Valparaiso, and when did the city fall?—A. My first opportunity for observing any feeling was while I was attached to the San Augustine hospital in Valparaiso. I reported to the Surgeon-General in Chief of the Chilean Army, and informed him that I had been ordered ashore by Admiral Brown, to render service to the wounded in the War, and said that I would like to have a Ward in the San Augustine hospital. He said that he would see. I was the last one to be assigned a ward. This ward was in the basement of the hospital, without ventilation or light, and with no assistants.

Q. That is, you had no assistants?—A. No sir. The first day I dressed and cared for 60 or more wounded Chileans.

Q. What were they? Soldiers?—A. Soldiers and sailors. The following morning when I returned to the ward, I found that nearly half of my patients had been changed, and new ones substituted. I asked them why this had been done, and received no answer, except that my ward was crowded, while to my own knowledge there were several wards in the floors above overcrowded. I requested to be supplied

with a clinical thermometer and other instruments necessary for the treatment of the wounded. They were promised me, but were never turned over. It was evident that they did not wish my services.

Q. Were your services requested by the authorities of Chile on that occasion?—A. I do not know. I received orders from Admiral Brown:

Q. To go there and treat the wounded?—A. To report on shore for duty; caring for the wounded in the Chilean hospitals.

Q. Did you see any cases of wounded men in the hospitals of Valparaiso, Chile, who were wounded by rifle-shots?—A. I should say I examined at least 150, and saw from 300 to 500 more.

(Sgd.)

STEPHEN S. WHITE,

P. A. Surg. U. S. Navy.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Stephen S. White, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 12th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 13th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF EDWARD W. STURDY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 12th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Edward W. Sturdy, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

EDWARD WILLIAM STURDY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rank, and station.—A. My name is Edward William Sturdy; Lieutenant in the United States Navy, serving on board the "U. S. S. Baltimore".

Q. Were you attached to the "Baltimore" when that vessel was in the harbor of Valparaiso, Chile, in October last?—A. I was.

Q. Did you go on shore at Valparaiso that day? If so, at what time?—A. I went on shore at about 7 p. m.

Q. Did you see any of the members of the crew of the "Baltimore"?—A. I did.

Q. About how many, and where did you see them?—A. On landing

I saw 2 or 3 at the head of the Mole. I saw afterwards 15 or 20 near the statue of Arturo Prat.

Q. In front of the Intendencia?—A. No sir.

Q. Is it near the Mole?—A. Between the Intendencia and the Mole. I saw directly afterwards, on my way up town, in the Plaza in front of the Intendencia some 10 or 12 more of the crew of the "Baltimore". I saw no more on that day.

Q. What was the condition of those men as to sobriety, when you saw them?—A. To all appearances perfectly sober.

Q. Were they in uniform?—A. Yes sir.

Q. How were they conducting themselves at the time?—A. With perfect propriety.

Q. Did you notice any evidence of disorder on shore when you landed?—

A. The men that I saw near the Arturo Prat monument, as I passed those men by, two of them came to me and said—

Q. That is two of the crew of the "Baltimore"?—A. Two of the crew of "Baltimore" whom I saw near the Arturo Prat monument; they came to me and said that the authorities wished them to return to the ship at once, referring to two men, apparently policemen, standing near. They gave as a reason for this, that there had been some trouble, or trouble was threatened. They stated further, that as they had not been in any trouble, and as their liberty extended until the next morning, and they were perfectly sober, they did not see why they should be sent off to the ship, but were perfectly willing to abide by any advice I should give them. I told them, if there was any row going on, or one was threatened, it would be much better for them to go to the ship, as any liberty they might lose in consequence, would undoubtedly be given them again. To this they assented, and turned in a body and went down towards the Mole. I paid no further attention to them.

Q. About how many of them were there? A. 15 or 20. After passing the men in the plaza above, to whom I did not speak, and who were some distance from me—some 30 or 40 yards—I went on up town, but returned in 15 minutes to the police station, which is near the Captain of the port's office, with the view of being of any assistance if possible, if trouble was threatened.

Q. Assistance in what way—to the men?—A. To our men, or checking any trouble that might be threatened. I found the officer in charge, and he told me there had been a fight in the lower part of the town, but it was all over, and everything was quiet. He thanked me, and said there was no need for any steps on the part of anyone. On my way to this police station, I noticed that the Plaza was clear of men; no one in it except the ordinary passers-by, and when I returned it was in the same condition.

Q. What time was this?—A. Between 7 and half past. I saw, or heard nothing more that night. The following day I was on shore, and went into a café, called the Café Pacifico. There I saw 2 or 3 officers. The only one I remember now, is Mr. Rowbotham, past assistant engineer of the "Baltimore" and perhaps a half dozen, possible more, of the crew of the "Baltimore".

Q. That was the next day?—A. The day following. This was between 1 and 2 o'clock P. M. One or two of the men who were in the Pacifico Café, expressed a fear of being attacked on their way to the Mole. They were about to go on board in a boat which had been sent from the "Baltimore" for that purpose. In conjunction with Mr. Rowbotham I assured them that we would see, in so far as lay in our power, that they were not attacked; that we would go down directly ahead of

them to the Mole, and be there when they reached the Mole, and see that they got safely into the boat.

Q. Did they go?—A. Yes sir; we carried out that programme, and in a few moments after we reached the Mole the men showed up. At that time, there was quite a party of civilians collected on the Mole; one or two were very out-spoken, and talking in Spanish, broken English, and English.

Q. What was the drift of their talk?—A. I am coming to that. We saw that a passage-way was cleared, and Mr. Rowbotham stood at the head of the Mole and I went to the foot of it. We got our men in the boat. One or two of the Chilean people at the head of the Mole began talking, swearing, and shaking their fists at the men in the boat, to which our men replied by shaking their fists in return. At a word from me, our men in the boat were absolutely quiet. One of the Chilanos at the head of the Mole said to our men in the boat, that if they would come out of the boat, he would shoot the whole damned lot of them, or cut their throats. I really forget what the exact expression was. He was creating a disturbance, and there were several policemen there, and an officer or two of the police service of Valparaiso. I told this man, that he had taken a large contract on his hands, and that he had better keep quiet, or words to that effect. Then I went up to an officer on the Mole, and reported the fact that this man was creating an unnecessary disturbance.

Q. A police officer?—A. Yes sir, and I would be very much obliged to him, if he would take him off the Mole until our men had shoved off.

Q. Did he remove him?—A. The police officer instantly took this man in charge, and hustled him off to the Mole. I will add that I recall now that this man said he was a boatswain on a Chilean man-of-war.

Q. Which man?—A. The man who made the offensive remarks. That is all I personally know of what happened at the time. The other information that I possess comes only from the result of the investigation which we all knew from the report of the officers composing the board.

(Sgd.)

E. W. STURDY,

Lieut. U. S. N.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Edward W. Sturdy the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 12th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 13th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,

*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM ROWBOTHAM.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 12th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William Rowbotham, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

WILLIAM ROWBOTHAM, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, rank, and station.—A. My name is William Rowbotham; I am past assistant engineer, U. S. Navy; attached to the United States Cruiser “Baltimore”.

Q. Were you attached to the U. S. Cruiser “Baltimore” when that vessel was at Valparaiso, Chile, in October last?—A. Yes sir.

Q. How long have you been attached to the “Baltimore”?—A. Ever since the 7th of January, 1890.

Q. When did the “Baltimore” first arrive at Valparaiso?—A. About May last, I think.

Q. About how long did the vessel remain there?—A. I don't know exactly. In the neighborhood of a month; I think a little over that.

Q. A little over a month?—A. Yes sir.

Q. Then how long after that before the vessel returned to Valparaiso?—A. Well, a couple of months; in that neighborhood.

Q. Do you know when it was she got back there?—A. It was in the latter part of August; just before the fall of Valparaiso.

Q. What was the feeling existing amongst residents of Valparaiso towards Americans, or United States sailors or officials during the time the “Baltimore” was there on her first visit?—A. During the time of her first visit, the feeling seemed to be very friendly, with every one that I met; both Government and opposition. They were in the midst of a rebellion at that time.

Q. Did you meet many citizens and make many acquaintances in Valparaiso?—A. Not a great number; but I met casually quite a number of people.

Q. Did you meet a number sufficient to give you an idea of the feeling of the people generally?—A. I think so, yes sir.

Q. On the return of the “Baltimore” to Valparaiso, the latter part of August last, and about the time of the fall of Valparaiso, and subsequently during the visit of the ship there, did you observe any difference in the feeling shown by the residents of Valparaiso towards Americans or United States sailors or officials; if so, what difference did you notice?—A. Well, on our arrival there the second time, on my first visit on shore, I discovered that their feeling had undergone a great change.

Q. Whose feelings had undergone a great change?—A. The feelings of the Chileans had undergone a great change before our return. They were very much opposed to us. They hadn't any kindly feeling left for us at all, apparently.

Q. State generally, what directed your attention to that?—A. Well, they would meet me with such questions as “Well, if you are friendly

with the Chileans, how do you account for the Itata affair"? "How do you account for the cutting of the cable"? "How do you account for Brown's going to Quinteros"? And subsequently, they wanted to know how, if we were friends, we accounted for taking care of their enemies, who were refugees from them, from their justice.

Q. Were you accosted in this way by people whom you had known before; whom you had met before?—A. Yes sir.

Q. By whom you had been before cordially received?—A. Yes sir. The only Chilean that I recollect distinctly addressing me in this way had to have what they said interpreted, as I could not understand them. But their friends, who spoke English, in Valparaiso, all spoke in that way. And that was about the way I was accosted.

Q. Whose friends?—A. The Chileans, who had just got in power.

Q. As I understand you, that was the feeling generally of the people, then, the officials of Valparaiso, was it?—A. Yes sir.

Q. What courtesies were extended, if any, to the officers of the U. S. S. "Baltimore," after your second return there, so far as you know?—A. I don't recollect of ever having heard of any courtesies having been extended to us.

(Sgd.)

W. ROWBOTHAM,
P. A. Engr., U. S. N.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William Rowbotham the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 12th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 13th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF HENRY CASS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Henry Cass, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

HENRY CASS, seaman apprentice, first-class, U. S. S. "Baltimore", recalled.

The JUDGE ADVOCATE-GENERAL.—Q. When you were on shore on liberty at Valparaiso, Chile, on the 16th day of October last, did you have any knife, weapon, or any arms about you of any kind?—A. No sir.

Q. After your arrest were you searched, and if so where and by whom?—A. I was searched in the lockup by one of the policemen.

Q. What did they take from you?—A. Nothing, sir.

Q. While you were on shore that day, or at any time that evening, did you have an iron pestle?—A. No sir.

Q. Did you see an iron pestle in the hands, or possession of any member of the crew of the "Baltimore" on liberty that day, or that evening in Valparaiso?—A. No sir.

Q. Did you see one at any time on shore while you were there? If so, when and where did you see it?—A. I saw it first in the courtroom.

Q. When was that?—A. The next morning after I was locked up. That was on the 17th.

Q. Are the court and the prison in the same building?—A. Yes sir.

Q. Then you saw one in court?—A. Yes sir.

Q. Who had it?—A. I don't know what he was, an under Judge, or secretary, or some one in the courtroom.

Q. Were you asked whether that pestle belonged to you?—A. Yes sir, it was charged to me.

Q. What did you say?—A. I told him I did not have it.

Q. When you saw this pestle in the courtroom as you have stated, did you see any other articles belonging to any members of the crew of the "Baltimore" who had been arrested?—A. Nothing but pocket or pen knives.

Q. Did you see Cunningham there when he was searched?—A. Yes sir.

Q. What did you see them take from him?—A. I did not see them take nothing but money, and a small pen knife.

Q. Are you sure he had a small pen knife?—A. Yes sir.

Q. Did you see them take any other knife, a sheath knife or a dirk from Cunningham?—A. No sir.

Q. How far were you from Cunningham when he was searched?—A. Right by the side of him.

Q. You saw the police search him?—A. Yes sir.

Q. You saw them commence and complete the search of Cunningham?—A. Yes sir.

Q. And no sheath knife, as I understand, was taken from him?—A. No sir.

(Sgd.)

HENRY CASS.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Henry Cass, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the Office of the Building of the Navy Yard, at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF URIEL SEBREE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Uriel Sebree, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

URIEL SEBREE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. What is your name, rank, and station?—A. My name is Uriel Sebree, lieutenant-commander in the United States Navy, and executive officer of the U. S. S. "Baltimore".

Q. How long have you been attached to the "Baltimore"?—A. Over two years.

Q. Were you attached to the "Baltimore" when that vessel was in the harbor of Valparaiso, Chile, in October last?—A. Yes sir.

Q. As executive officer?—A. Yes sir.

Q. How many members of the crew of the "Baltimore" were granted liberty on the 16th day of October last in Valparaiso, Chile, and for what length of time were they granted liberty?—A. 117 men of the crew of the "Baltimore" were granted liberty from one P. M. of the 16th, until 3 P. M. of the 17th of October.

Q. Were there any foreign men-of-war in port at that time?—A. There were.

Q. Of what nationality?—A. I think English and German, and I am not sure whether there were any French or not. I think there were.

Q. Were the crews of those vessels being granted liberty on shore at the time?—A. They had been. I don't know to what extent, but they had been giving liberty to the men. I do not know whether any had been given liberty on the 16th or not, but previous to the 16th, they had been giving liberty.

Q. Just immediately and about that time?—A. Yes sir.

Q. Did you hear of any assaults by any body of Chileans on any of the members of the crew of the foreign vessels of war, when they were on shore?—A. No; only by hearsay. I heard that some days previously, one of the German sailors had been attacked by some of the Chileans on shore. I merely heard this. I think one of the German officers told me.

Q. By a mob or what?—A. I do not know whether it was by a mob or not. He told me that one of their men had been attacked and beaten. This was several days previous.

Q. Did you understand that there was any general assault made on any of the members of the crews of those vessels, while they were on shore?—A. No sir; I heard that this man was taken for an American sailor.

Q. Which man?—A. This German sailor who had been beaten or attacked on shore.

Q. Were you on shore at Valparaiso, on the 16th day of October last, when some of your crew were on liberty there, and if so, what time did you go ashore, and how long did you remain there?—A. I was on

shore in the afternoon of October 16th from about 2 or half past 2 p. m. until about half past 5. I went on shore with Captain Schley.

Q. Did you see any members of the crew of the "Baltimore" on shore that day? If so, about how many? Were they in uniform, and what was their conduct at the time that you saw them?—A. I did see probably during the afternoon 30 or 40 of our men who were on liberty. They were in uniform, and I remember remarking to the Captain that the men were in good condition. They were conducting themselves in a proper manner. I saw, out of the 30 or 40, probably two or three men who were more or less under the influence of liquor, and had been drinking a little, but they were doing no harm to anyone—walking along the street. From my knowledge of these two or three men I knew they had been drinking.

Q. With reference to the 2 or 3 men who appeared to have been drinking to excess as stated by you, how was your attention directed to that fact? Please state the names of those men, if you can recall them.—A. My attention was directed to one of them by seeing him across the street from me, walking along the street with two of his companions, and he was staggering. To the others, by meeting them and seeing them, by their manner.

Q. What was the conduct of these 2 or 3 men to whom you refer? How were they conducting themselves?—A. They were not interfering with anyone on the street. This one man was staggering, and the others I do not remember exactly about. Probably from the way they saluted me, or something of that kind, I noticed that they had been drinking. I do not remember the names of them.

Q. State whether or not, any of the 2 or 3 men to whom you refer, were included in the list of men who were wounded on shore that day?—A. I do not recall the names of those men whom I saw, and whom I noticed were more or less under the influence of liquor. I do remember that two of the men who were wounded whom I saw, were not under the influence of liquor.

Q. Who were they?—A. John Hamilton, carpenter's mate, and Jerry Anderson, coal-heaver. I saw Hamilton with a number of other men at about I should say, between 4 and half-past 4 P. M. I remember him stopping and saluting the Captain and myself, as we passed.

Q. Where was he?—A. At or near the Plaza Victoria.

Q. Hamilton had not been wounded then?—A. No sir, Hamilton was perfectly straight. I saw Jerry Anderson in company with one or two other men, sometime in the afternoon. I cannot recall the time; sometime between 3 and 5 down near the Mole. He was perfectly straight. I again saw Jerry Anderson at about 8 P. M. when he came on board, very severely wounded, and he was not under the influence of liquor then. I saw his wounds, and saw the man.

(Sgd.)

URIEL SEBREE,
Lieut.-Comdr. U. S. Navy.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Uriel Sebree, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and af-

terwards by them reduced to typewriting and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF JAMES H. SEARS.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared James H. Sears, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

JAMES H. SEARS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, rank, and station.—A. James H. Sears; lieutenant in the United States Navy, serving on board the "U. S. S. Baltimore".

Q. How long have you been attached to the "Baltimore"?—A. Two years.

Q. Were you serving on board the "Baltimore", when that vessel was in the harbor of Valparaiso, Chile, in October last?—A. I was.

Q. Were you on shore at Valparaiso, on the 16th day of October last, when some of the crew of the "Baltimore" were on shore on liberty?—A. I was.

Q. Did you see any of the members of the "Baltimore's" crew on shore that day?—A. I did not.

Q. When did you next visit the shore at Valparaiso? Under what circumstances, and for what purpose did you go on shore?—A. On the 17th of October, the commanding officer sent me on shore with orders to call on the intendente in company with the vice-consul at Valparaiso, and arrange about the funeral of boatswain's mate Riggin; also to call at the jail, and see the chief of police, or people in authority there, and endeavor to get the release of our men who were in jail, and also to go to the hospital, and see what could be done about getting the wounded men out of the hospital. I carried out the instructions given me, and at the jail I saw the chief of police, and the judge of crimes. The judge told me that probably a number of them would be released that evening, and that there were no charges against them.

Q. How many men belonging to the "Baltimore" were there in prison?—A. There were, at that time 31 in jail.

Q. How many were there in the hospital?—A. Five wounded men in the hospital.

Q. The jail and the courtrooms are in the same building, as I understand?—A. Yes sir. After attending to my other duties in the city, and about the town, I returned to the jail, and procured the release of 20 of the men. The judge told me that I could have all of the men, but that some of them who had wounds on their faces and persons might have been involved in a row, and that he would have to ask me

to guarantee their return in case he should want them before the court. I declined to give the guarantee, so 11 of these men were retained in jail. 20 were delivered to me and taken on board ship.

Q. What time was it, when you first visited the prison, and saw the judge of crimes that day first?—A. It was about noon, and I saw the chief of police, and not the judge of crimes at that time.

Q. At what time was it then, when you saw the judge of crimes, and the 20 prisoners were turned over to you?—A. In the evening.

Q. About what time?—A. About between 6 and 7 o'clock.

Q. At this time what did the judge say, with reference to the men?—A. He said that I could take all the men on board ship. The judge said in addition, that it was a case involved in a good deal of obscurity, and he did not know which, if any of the men, were guilty. He said probably the majority of them were not guilty; that he did not know which ones to retain, if he retained any, but he said, some showed wounds, and he would have to ask me to guarantee their return to the court-room when he wanted them, or that he would keep them.

Q. When the 20 men were turned over to you by the judge, what did he say regarding them—the men that you took off to the ship on the night of the 17th?—A. He said there were no charges against them.

Q. Do you or not know, from information that you obtained during your two visits there that day, whether or not any charges had been formulated against any or either of the 11 men who were retained?—A. I do not.

Q. Then I understand from your testimony, that the 11 men were retained by the court for the reason that they showed evidences of having been wounded?—A. Yes sir, and the judge said they might have been implicated in some disturbance. He meant that the wounds were some sort of an evidence of that, and he wanted to keep them for further examination. When the 31 men were delivered to me first in the corridor of the jail, an interpreter of the court appeared with a paper, and while I was forming the men, in the dusk, he started to have the men in the rear sign this paper on a counter in the corridor. I stepped up and put my hand on the paper and said "What are these men signing?" The interpreter answered me that it was a mere formality, a declaration by these men that they had taken no part in any row on shore.

Q. Had the judge said anything to you, with reference to this paper to which you refer?—A. No sir.

Q. Was it written in English or Spanish?—A. In Spanish.

Q. Did all of the 31 men sign the paper in your presence?—A. Yes sir.

Q. Had you any doubt as to the contents of the paper, after the statement made by the interpreter?—A. I had not.

Q. Did you read it?—A. I did not.

Q. About how long a paper was it?—A. A legal paper.

Q. I do not mean the size of the paper, but the writing?—A. I doubt if I could say. The paper was partly folded over. The latter part of the declaration was shown, but the upper part was bent under as he laid it on the counter.

Q. Then you did not see the upper part?—A. No sir.

Q. You do not know what was in it?—A. No sir.

Q. Was it light enough for you to read it?—A. Yes sir.

Q. Could you read Spanish?—A. At that time, with great difficulty.

Q. There was part of it that you did not see?—A. Yes sir.

Q. Did these men to your knowledge, sign any other paper that day, at the court, or in the jail?—A. No sir.

Q. Was the interpreter to whom you refer connected with the court?—A. He was an official of the court.

Q. Did the interpreter inform you, at the time, that the signing of this paper was required by the court?—A. Yes sir; he did.

Q. How many of the members of the crew were in the hospital, at the time you visited it that day, and who were they?—A. Five. Hamilton, Turnbull, Panter, Davidson and Talbot.

Q. These were the wounded men?—A. Yes sir.

Q. What further duty did you perform, and when, and under what instructions were you acting, with reference to the 11 men, who were retained in prison by order of the court?—A. The next day, the 18th of October, I went to the jail under orders from the captain, to see what the men needed for their comfort, and carry them some clothing and supplies, and to get them out, if possible; to use every effort to get them out of jail.

Q. How?—A. In any way that occurred to me.

Q. You did make every effort?—A. Yes sir.

Q. What did you do?—A. I kept sending in to the judge, and asking him when I could have them, and if he would not hurry up the examinations.

Q. What replies did you get from the judge?—A. They were putting it off for some reason. I don't know why. The judge had a great deal of business at that time before the Court; he was working early and late.

Q. What were the judge's replies to your inquiries?—A. I would send the interpreter in to ask him when I could have them.

Q. That is the Court interpreter?—A. Yes sir, and he would come back and say at some time further on. I also perfected arrangements for the funeral of boatswain's mate Riggins on the 18th. On Monday, the 19th, I buried Riggins, and visited the hospital again. I asked the judge of crimes if I could not take the men who were in the hospital off to the ship, and I also requested medical attendance for one of the men in the jail.

Q. You were doing this as a representative of Captain Schley, the commanding officer of the ship?—A. Yes, sir. The answer in regard to the men in the hospital was, that they could not be released at present, as they had not been examined, but that he would send an official to take their testimony. On Tuesday, the 20th, the examination of the 11 men having been set for that day, the Captain gave me instructions, similar to the previous instructions, and in addition to attend the examination. I was with the men while the interpreter was asking them some preliminary questions as to their age, and preparing testimony, I should say, for the use of the judge, before they went up before the court. While engaged in this, word came from the judge, that he was ready to examine these 11 men.

Q. What time was this?—A. Between 3 and 4 o'clock in the afternoon. As they passed out of the room to go into the court-room, I proceeded to go with them, but was told by the interpreter that I would not be allowed to go, as the summary was a secret one.

Q. What did you understand the summary to be?—A. It was an investigation by the judge to get at facts.

Q. An examination of the witnesses by the judge. Is that what you understood it to be?—A. A personal examination of these 11 men, by the judge.

Q. That it was secret, and you could not go in?—A. Yes sir; in the evening, they were released.

Q. How long did this examination continue?—A. I should say about 2 hours.

Q. 11 men were released?—A. Yes sir.

Q. How, and under what circumstances, were they released?—A. I was waiting for them in one of the ante-rooms, and word was brought to me by the interpreter that the judge had finished his examination, and I could have the men.

Q. This word was brought from the judge?—A. Yes sir.

Q. Did you receive any further information from the judge at that time, directly, or through the interpreter?—A. I received no information from the judge. I spoke to the interpreter about the matter of the guarantees that the captain had finally agreed to give, to return such of the men as might be required.

Q. Were you informed by the judge directly, or through the interpreter at that time, that the examination of these 11 men had been concluded?—A. The interpreter stated that the examination was concluded, at the same time saying, that a further examination of some of them, might be required. The interpreter also stated, that he did not think there were any charges against any of these 11 men in jail except perhaps for carrying weapons. I took these 11 men in carriages to the Mole, and thence in a boat to the "Baltimore".

Q. Did the 11 men who were released on Tuesday the 20th, sign another paper, if so, when and where did they sign it?—A. I was informed by some of the men afterwards, that they had signed a paper at this examination in Spanish, which was explained to them to have the same significance as the one previously signed. I understood from what the men said about the paper that it was of the same description as the one previously signed, which was explained to me to be a paper—a mere formality—a statement that the men took no part in any row on the 16th.

Q. Did you understand from these 11 men, that this paper which they signed on the 20th day of October last, was signed by them after they had given their evidence, and in the court-room, secretly?—A. Yes sir.

Q. Did you also understand that the paper which they signed, was written in Spanish?—A. Yes sir.

Q. And that the substance of it was explained to them?—A. Yes sir.

Q. By whom?—A. I do not know. They signed it in the court-room.

Q. When did you first learn that the 11 men had signed this second paper, or the paper which they signed on the 20th?—A. Later, upon learning that this former paper, or some paper that they had signed, had become a matter of some importance, that they had signed some paper exonerating the police. When I learned that, I inquired of the men what papers they had signed.

Q. Did you learn whether or not they had signed a paper exonerating the police?—A. The men all stated that they had not signed such a paper.

Q. Please state everything within your knowledge in relation to any examination or action taken by the authorities towards the five wounded men in the hospital.—A. At different times while in attendance at the jail, after the 16th of October, I requested the authorities of the jail to allow me to take the men from the hospital.

Q. What authorities do you refer to, when you say the authorities at the jail? Do you mean the court authorities?—A. I spoke to the court officials and the jail officials, and was informed that they could not be

released from the prison ward at the hospital, until an examination of them had been made.

Q. To whom do you refer—the wounded men in the hospital?—A. Yes sir; subsequent to this, the examination was made, I understand, at the hospital, and they were brought off in charge of the two doctors, Doctor Stitt and Doctor White.

Q. About when was this examination made of these men in the hospital, and about when were they returned to the vessel?—A. I should say the examination took place about the 20th of October. Some of the wounded men were brought off that day, and the rest the next day.

Q. Were you present at the examination at the hospital, to which you refer?—A. I was not.

Q. Do you know whether the men were required to sign any paper there?—A. I do not.

Q. Did you see the articles which were reported to have been taken from the members of the crew of the "Baltimore" after their arrest, and when searched by the police at the jail; if so, state what you know in relation to such articles?—A. When I first saw the articles alleged to have been taken from our men when searched by the police on October 17th, they were in one of the offices of the jail. There were several pocket knives, a small revolver, two sheath knives, and an iron pestle, about 4 inches long. Later and on the 20th of October I again requested to be shown the alleged weapons, and was shown 5 or 7 pocket-knives and the iron pestle, by the court interpreter, and was told that that was all the weapons that our men were charged with having in their possession. None of these knives could in any sense be called a weapon.

Q. What kind of knives would you call them?—A. I would call them ordinary pocket-knives, and in no sense weapons.

Q. When the interpreter of the court pointed out to you and said that the articles consisting of the pocket-knives and the iron pestle, constituted the articles taken from the members of the crew of the "Baltimore" by the police after their arrest, was there a sheath-knife with those articles?—A. There was not.

Q. Then the sheath-knife, to which you referred, you saw on the 17th, when your attention was first called to the articles which were alleged to have been taken by the police?—A. Yes sir, the two sheath-knives.
(Sgd.)

JAMES H. SEARS,
Lt. U. S. Navy.

UNITED STATES OF AMERICA,

State and Northern District of California, ss :

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that James H. Sears, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF ROBERT M. DOYLE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Robert M. Doyle, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

ROBERT M. DOYLE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, rank, and station.—A. My name is Robert M. Doyle; lieutenant in the United States Navy, serving on board the "U. S. S. Baltimore".

Q. How long have you been attached to the "Baltimore"?—A. Two years.

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso, Chile, in October last?—A. I was.

Q. Did you go on shore at Valparaiso under instructions from the commanding officer of the "Baltimore", for the purpose of receiving and conveying to the "Baltimore", articles and money which were taken from members of the crew of the "Baltimore", when they were searched by the police, after being arrested on the 16th day of October last?—A. I did.

Q. Please state what your instructions were, and what you did? Describe the articles which were delivered to you in Valparaiso, and state by whom they were delivered?—A. On October 23rd, 1891, the "Baltimore" then being anchored in the harbor of Valparaiso, Chile, I was ordered by Captain Schley, to convey a letter to the Intendente of Valparaiso, which was in answer to a letter received from him, which contained a list of articles which had been taken from the men of the "Baltimore" when they were searched on the 16th of October, after their arrest. This letter authorized me to receive and receipt for the said articles which had been taken from our men. I went to the Intendente, and the Intendente delivered to me seven pocket-knives, also a sum of money—I do not remember the exact sum—about \$100 I think, partly in gold, and partly in Chilean paper. I signed a receipt for the same.

Q. Where did these pocket-knives, and the money to which you refer, come from?—A. They were said to be the articles that had been taken from our men.

Q. Who said so? Were they turned over to you as the articles taken from your men?—A. Yes sir, they were turned over to me, as the articles which had been mentioned in a letter to Captain Schley, which was written by the judge of crimes, and transmitted to the captain by the intendente.

Q. Who turned them over to you?—A. The intendente of Valparaiso.

Q. Did he turn them over to you as the articles taken from the men, after their arrest?—A. Yes sir.

(Sgd.)

ROBT. M. DOYLE,
Lieut., U. S. N.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Robert M. Doyle the witness who subscribed the forgoing deposition, was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892,

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF HENRY MCCREA.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Henry McCrea, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

HENRY MCCREA, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, rank, and station.—A. My name is Henry McCrea; lieutenant in the United States Navy, serving on the U. S. S. "Baltimore".

Q. How long have you been attached to the "Baltimore"?—A. About 22 months.

Q. About what was the date of the "Baltimore's" arrival at Valparaiso, on the first occasion?—A. Early in April, 1891.

Q. About how long did the vessel remain at Valparaiso, at that time?—A. About a month.

Q. How long after that, was it, before she returned to Valparaiso?—A. About three months. She returned August 21st.

Q. Were you detailed by the commanding officer of the "Baltimore" for any duty on shore in Valparaiso, in connection with the investigation by a Court at that place with reference to the disturbances and difficulties which occurred on shore between Chilean sailors or others, and members of the crew of the "Baltimore" who were on liberty there, on the 16th day of October last? If so, what was that duty, and what did you do in pursuance of any such orders?—A. I was so detailed on three occasions. The first occasion was on October 17th, when Captain Schley ordered me to go on shore to see why our men were detained at the police station, as he had heard a number of men had been arrested on account of disturbances, the day before. I, accompanied by Doctor Stitt of the "Baltimore", went to the police station, and after a time met the judge of crimes, Judge Foster, and asked why our men were arrested, and if I could not take them on board? He told me he did not himself know

what charges were against these men, and until that had been investigated, the men would have to be detained, but that he would hasten the proceedings as much as he could. This being clear, I sent Doctor Stitt to the hospital, to look after the wounded men belonging to the "Baltimore", who we heard had been taken there the night before. I returned to the ship, and reported what I had done to Captain Schley. My second visit to the Court of Crimes, under orders, was on November 20th, when I had verbal orders from the captain, to conduct nine men of the crew of the "Baltimore" to the criminal court of Valparaiso, to witness and authenticate their testimony before that court. These nine men were J. M. Johnson, J. W. Talbot, J. Butler, J. W. Davidson, G. Panter, J. Quigley, J. Hamilton, C. G. Williams, and P. McWilliams. The court was opened about 3:30 p. m. The men were admitted, and I was sworn as an interpreter to represent the subject-matter of the statements of our men, in Spanish. The proceedings consisted of calling upon each of the witnesses present, in turn, to express to the Court, under penalty of 30 days' imprisonment for perjury, all he knew of the affair of October 16th last, in which C. W. Riffin, boatswain's mate, lost his life, and from which William Turnbull died, and five others of the "Baltimore's" crew, were wounded. As the testimony of each witness was given in, and at convenient intervals, I translated its import to the Judge, who made notes thereon.

Q. These witnesses were, as I understand the nine men of the "Baltimore" to whom you referred?—A. Yes. As each of our nine men finished his testimony, he was called upon by the Judge to look upon the Chilean sailors present in court, and say if he recognized any of them as participants in the recent attack of October 16th last. In no case could our men identify the Chileans.

Q. How many Chileans were there present at the time?—A. At this time there were three Chilean sailors in more or less Chilean uniform. These Chilean sailors present gave their testimony also. The taking of testimony lasted until about 6:15 p. m. The men were told to wait until the testimony was written up smoothly, and in ink, that they might sign their testimony before they left for the ship. I was asked by the secretary of the court to be present during the dictation of this testimony to the court writer, by the judge, from his notes.

Q. You mean by the writer, the person who was taking it down from the judge's notes?—A. Yes sir. I left the men and was with the judge until the testimony was all written out smooth. In this way I was absent from the men in my charge from 6:30 until about 9 p. m.

Q. Where were the men?—A. The men, by permission of the judge, were allowed outside of the police station, in the Plaza Victoria. The smooth copy being ready, all the men were admitted, and I noticed at once that one of our men, P. McWilliams, by name, was badly under the influence of liquor. With this exception, all the men signed their testimony. He was too drunk to sign his.

Q. Did he sign it subsequently?—A. He has never signed his testimony.

Q. Did you give the men permission to go and get their luncheon or supper?—A. I gave the men permission since they had had no supper, to go and get refreshments in the neighborhood.

Q. And McWilliams was one of those men?—A. Yes sir.

Q. During the two hours and a half that the men were away, McWilliams indulged to excess in intoxicating drinks? Is that what you mean?—A. Yes sir.

Q. Was he sober when he first went to the court that day and dur-

ing the time that he gave his testimony?—A. Perfectly sober. As the reading of each man's testimony was completed, I translated it to the man, and such corrections as were necessary were then made, in the presence of the court, and all the witnesses. This was continued until all the evidence was read out, and each man had signified his approval of the matter going on file in his name.

Q. These were the men belonging to the "Baltimore"?—A. Yes sir. All the witnesses present gave the same assent. The Judge then signed this paper and following came the names of all the witnesses, then my name, and the other court interpreter.

Q. It was signed by you and by him?—A. Yes sir. I then took the men back to the ship, using a carriage for McWilliams. The next occasion of my appearing before the court of crimes in Valparaiso, was on December 1st, 1891. On this occasion my orders were to attend the court with the five men, J. M. Johnson, J. H. Davidson, Jerry Anderson, L. A. Wallace, and Charles Langen of the "Baltimore", witness and authenticate their testimony and at the same time, serve as a member of a board to fix upon the arm used, from which the shot was fired which was supposed to have killed Riggins, the boatswain's mate. The court was composed as before, of the judge, secretary, two interpreters, with the addition of a copyist, and arraigned before it as witnesses, besides the five men I have named, were about eight policemen and soldiers in charge of a captain of the police force, four Chilean sailors and an English negro. This time the testimony was recorded as it came out. I translated it to the judge, he dictated its import to the writer, and the judge made no notes. Before the start of proceedings, the interpreters were sworn in, and the witnesses cautioned to speak the truth under penalty for perjury.

Q. What language was the testimony given in?—A. The testimony in the case of our men, was given in English.

Q. What was the other interpreter doing?—A. He was the court interpreter, and was present to tell me the meaning of any part of the evidence of the Chilean sailors, which I could not understand, they using a great deal of brogue, or slang.

Q. I understand you are familiar with the Spanish language?—A. Yes sir. The evidence was given in as before, and when called upon to try and identify the other witnesses, L. A. Wallace, landsman, thought he recognized one of the Chilean sailors present as the man who had robbed him on October 16th. J. Davidson, landsman, said he could almost swear that another Chilean sailor in court who had lost his right arm, was the man whom he had seen making for J. Hamilton, carpenter, with a knife in his left hand, when he, Davidson, knocked the one-armed man down with a stone. Langen, when asked if he recognized any of the policemen or soldiers present, said, as he pointed to one of them, "I think he was in the squad, but not one of the leaders." In neither of these cases could the witnesses swear to the identity claimed.

Q. When you refer to the squad in Langen's testimony, what do you mean; the squad of soldiers, by whom the shot was fired which killed Riggins?—A. I refer to that squad. In the investigation or proceeding in the court, I noticed there was a careful avoidance of the subject of police treatment, by which I mean the handling which our liberty-men received at the hands of the police-force and soldiers.

Q. When?—A. On October 16th, last.

Q. That is in the examination of the witnesses by the court?—A. That is what I refer to. As I considered this one of the material issues,

I reported this matter to Captain Schley. On this visit to the court, and during the investigation, I was called out into another room in the same building, to give my opinion upon the arm used in killing Riffin.

Q. By whom was this board, before which you were called to give your opinion, or of which you were a member, appointed? Under what circumstances was it appointed, and for what purpose?—A. I was informed that I was a member of it, by Captain Schley.

Q. Who were the other members?—A. The other members were a commander in the Chilean navy and an officer of major's rank, in the Chilean army.

Q. Did you understand that this board was appointed by direction of, or with the consent and instructions of the court?—A. I presumed it was the wish of the court, that this board be appointed.

Q. That is what you understood?—A. Yes sir. I know that the report of this board was to be filed with the proceedings by the court.

Q. In these cases?—A. In these cases. As we did not agree as to the arm used, my report did not tally with that of the Chilean officers. Mine was in substance as follows. "From evidence of Doctor Stitt and Doctor White, and from comparison of the holes in Johnson's shirt and neckerchief, with those made by a rifle and revolver in a piece of flannel, that same day, I judge that the shot which went through Johnson's clothing, was a rifle-ball of medium or ordinary calibre, or else a revolver with a calibre greater than our service revolvers. Our service revolver is .38 calibre. The shot-hole was from a projectile of about .45 calibre." This last calibre tallies with the arm used by the Chilean police, about .45 calibre.

Q. What is that arm?—A. I do not know the name of it.

Q. Is it a rifle, revolver or pistol?—A. It is a rifle.

Q. Did you ever see a pistol of the calibre of .45?—A. Not since we threw out the Remington pistol from the United States navy.

Q. Were they, to your knowledge in use about Valparaiso, of that size?—A. I never saw one on this visit to Valparaiso.

Q. You saw the rifle, the arm that was used by the police and soldiers of Valparaiso?—A. Yes, I did, and we compared the bullet from that rifle with the holes in Johnson's shirt.

Q. How did they compare?—A. They passed through with a slight pressure, such as would be the contraction due to any elastic material.

Q. How did the bullet from the revolver, or the bullet of the size that the Chilean members of the board claimed, compare in passing it through this hole in the clothing of Johnson through which the rifle-ball passed, before it hit Riffin in the neck, and killed him?—A. Too loose. It would have dropped through without pressure.

Q. After the examination of the nine men of the "Baltimore" on the 20th of November, before the court, as you have testified, all of those men, as I understand you, signed a paper in court before leaving?—A. Yes sir, all except McWilliams.

Q. How many of the five men that you took before the court on the 1st of December, were before the court with you on the 20th of November?—A. Two of them.

Q. Who were they?—A. J. M. Johnson and J. H. Davidson.

Q. Did Johnson and Davidson, after the completion of their testimony on the 1st of December, sign another paper in court?—A. Besides their evidence?

Q. They signed one on the 20th of November? Did they sign another one in court on the 1st of December?—A. Yes sir, but it was not a du-

plicate of the first one. It was supposed to be new evidence of confrontation, as there were new men in court to be confronted.

Q. It was not then an examination as to the circumstances of the difficulty which occurred on the 16th, but to identify persons who were brought into court, as having been engaged in the disturbance, Chileans?—A. There was some new matter introduced, of minor importance, but the main reason of their coming was, I think, to confront new faces.

Q. To identify them?—A. In order to identify them.

Q. Chileans who had been arrested?—A. Chileans who had been brought to the court to be identified.

Q. About how many Chileans were there there on that day, the 1st of December, for the purposes of identification?—A. 15 I should say, at the outside.

Q. Could you see, by looking at them whether they were Chilean sailors or soldiers, or what they were?—A. There were perhaps 10 in the uniform of police and soldiers; half and half; four in the uniform of sailors, and one in the uniform of a police captain.

Q. These were Chilean uniforms, as I understand?—A. Yes sir, but they were not in all cases complete.

Q. So far as they went?—A. So far as they went.

Q. You have stated that the "Baltimore" arrived in Valparaiso in April last, and remained there about a month. What expression of feeling, on the part of residents, or people in Valparaiso, at that time, did you notice with reference to Americans or United States officers or officials?—A. At first we were received as I should say, with open arms, invited to the clubs, and being quite well acquainted there, I can personally account for a good deal of welcome and kindness.

Q. You had been there before?—A. This was my third cruise there.

Q. You had previously formed acquaintances in Valparaiso?—A. Yes sir, as long as 20 years ago. We gave a dance or two on board of the "Baltimore," and people seemed glad to come aboard.

Q. And the feeling, as shown by the people at this time, as I understand you, was, —?—A. (Int'g)—exceedingly friendly.

Q. When did the "Baltimore" return to Valparaiso, after the time which you have referred to?—A. The next visit was about the 21st of August, 1891, in that neighborhood.

Q. How long after that was it, before the city of Valparaiso, fell, when it was taken possession of by the present Government of Chile?—A. Valparaiso fell August 28th of the same month.

Q. Did you on your return to Valparaiso, at the time just referred to, and between that date and the date of these disturbances in Valparaiso on the 16th day of October last, notice any difference in the expression of feelings towards the Americans, and United States officers and officials, than that which was shown when you were there in April before? If so, state what they were?—A. I did notice a great change. People who would receive us at all begged that we would not come in uniform, apparently not wishing to have it known that their visitors were American officers, and friends of mine in the Navy, whom I had known for a number of years seemed to regret the situation.

Q. In what Navy?—A. The Chilean Navy, but even they, who had formerly been very cordial to me, coming to meals on board my ship, and my going to them in the same way, were not anxious to continue the same intercourse. At this time Valparaiso had an atmosphere of lies. The newspapers had all sorts of rumors, and we received warnings, referring to the feeling existing in Valparaiso, but that which we would ordinarily have paid much attention to, passed over as a part and

parcel of the other rumors afloat. For that reason I personally did not report to Captain Schley what I should have, under ordinary circumstances considered most important.

Q. What was the nature of these lies to which you refer?—A. It would be hard to define the nature of these stories in general. One feature of them was the antipathy in which the Americans were held.

Q. Do you mean the antipathy of the citizens and residents there?—A. I refer especially to the antipathy of the Chilians; the antipathy was not confined to Chileans, but included two-thirds of the foreign residents.

Q. Please explain in what these statements were false. I understand there was an expression of hostile feeling?—A. Yes sir.

Q. You have stated that there were lies circulating about?—A. Yes sir, in Valparaiso, these were called “bolas,” an expression which means floating stories or rumors, and among so many of these, I mean, it was hard to track the truth.

Q. That is, they were conflicting?—A. Yes sir, often conflicting. The Quinteros affair seemed to absorb the most attention. Next to it seemed to be the refugees; the Itata; the cable; and in general our neutrality.

Q. What was the question with reference to Refugees?—A. We had taken refugees from Valparaiso up to Mollendo, Peru.

Q. Many of these stories to which you have referred as being circulated in Valparaiso at that time, as I understand you, were alleged statements, of conduct on the part of representatives of the United States?—A. Yes sir.

Q. Such as the Quinteros affair, the Itata, the cable matter, and the question of refugees?—A. Yes sir.

Q. Floating stories were circulated on these general subjects?—A. Yes sir.

Q. Have you anything further to add, to what you have testified to here, on this subject? If so, proceed.—A. No sir.

Q. After the conclusion of the examination of the nine men belonging to the “Baltimore,” whom you had before the court on the 20th of November last, what did the judge say to you at the conclusion of the examination, when the men were turned over to you, to be returned to the ship, or what did any official of the court say?—A. The judge said to me that he was glad the proceedings pointed fair to a speedy solution of this difficulty, and that he was much obliged to me for my assistance on that occasion. I was to take the men, and he thought he would not need them again.

Q. Did he say whether or not any charges or indictments were standing against any of these men?—A. He did not mention any such indictments, charges or proceedings.

Q. He did not say anything about it; is that it?—A. No sir; he said nothing about anything of that kind.

Q. On the second occasion, after the conclusion of the examination of the witnesses on the 1st of December, which you had there, when the judge turned them over to you, what did he say to you at that time?—A. The same stereotyped remark about his thanks, and again, there were no charges spoken of against any one of these individuals.

Q. He said nothing about the question whether or not there were charges or indictments found against them?—A. The subject was not brought up.

Q. Did the judge say anything?—A. The judge did not bring up the subject.

Q. He did not say whether there were any charges or indictments in either case?—A. No; he did not.

Q. In the report made by the police officers to the court at Valparaiso, after their search of the men of the "Baltimore," who were arrested on the 16th day of October last, they included among other articles, such as pen-knives and money that had been taken from the men, one iron pestle, and one knife. State anything that you may know in relation to an iron pestle, or a knife, other than a pen-knife or pocket-knife, having been taken from any of the crew of the "Baltimore" on that occasion by the police, when they were searching them?—A. I went to the police station unofficially on October the 23rd, or thereabouts, and saw these trinkets, knives, etc., on a table, and was told that these were the articles taken from our men on their examination, after arrest on October 16th. There were several pocket-knives, such as sailors use to cut tobacco, and for their finger-nails.

Q. About how many?—A. Seven, I should say. Also a pestle, such as an apothecary would use, but made of iron. This was about 4 or 5 inches long. I do not consider the articles I saw there things which could be called weapons, barring the pestle which might be used as a pair of knuckles, or as a stone could be used. Lieutenant Sears and an American were with me on that occasion, and neither of them considered these articles as weapons.

Q. Did you see a sheath-knife, among these articles at that time?—A. I did not.

Q. Who had immediate charge of the articles at the time?—A. They were in charge of the secretary to the judge of crimes.

Q. Did he say those were the articles that were taken from the men?—A. That is what he said.

(Sgd.)

HENRY MCCREA.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States, for the Northern District of California, do hereby further certify that Henry McCrea, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WINFIELD S. SCHLEY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the

Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Winfield S. Schley, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

WINFIELD S. SCHLEY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, rank, and station.—A. Winfield S. Schley; captain U. S. Navy, commanding the U. S. S. "Baltimore."

Q. How long have you been in command of the U. S. S. "Baltimore"?—A. Since the 1st of August, 1889.

Q. At what time did the "Baltimore" under your command first arrive at Valparaiso, Chile?—A. We arrived at Valparaiso on the 7th day of April, 1891, about eight o'clock in the morning.

Q. How long did the vessel remain at Valparaiso, Chile, on the occasion of her first visit there?—A. She remained there until the 13th day of May, 1891, when we were ordered by the Navy Department to proceed to Iquique in connection with the "Itata" question, the matter of the escape of the "Itata" from San Diego, California.

Q. When the "Baltimore" was in Valparaiso, on the occasion referred to, did you grant the crew of the vessel liberty?—A. Yes sir.

Q. On more than one occasion?—A. Yes sir; on a number of occasions, between the arrival of the ship at that port, and her departure for Iquique, on the 13th of May.

Q. Was there any difficulty, or were the men attacked on the occasion of their liberty on shore at that time, so far as you know?—A. Not at all. The government of the city of Valparaiso at that time was under the control of the Intendente, Admiral Vial, and a more perfect system of control I never saw in any city in the world, or greater security for either life or property.

Q. What expressions of feeling on the part of the residents of Valparaiso, and the vicinity, towards Americans, or United States officers or officials, did you observe on the occasion of your first visit to that place, and during the period of your stay there at that time?—A. That of the utmost cordiality.

Q. By the residents?—A. By residents of both political creeds.

Q. And by Chilean officials?—A. The Chilean officials were always polite to us.

Q. What expressions of feeling on the part of the residents and officials of Iquique did you observe on your visit there, after leaving Valparaiso; and in whose possession was Iquique at the time?—A. On our arrival at the port of Valparaiso, we found the republic of Chile engaged in a civil war. The party in possession at Valparaiso were known as *Gobiernistas*; that is, those who were the adherents of the Government. When we were ashore at Iquique, we found that port in the possession of those who were opposed to the Government, and known as *Opositores*. The feeling with which we were met on the occasion of our first visit to Iquique was, whilst not demonstrative, yet friendly; and so continued during our stay there. Leave was granted during the day-time our men, until sundown in the evening; and there was no change whatever from this friendly spirit with which we had been met, until after the escape of the "Itata" from San Diego. That altered to some extent the relations that we held with these people in that port during our stay; and you could see that there was a change in the appearance, and a change also in the manner and conduct of the people towards officers of the United States.

Q. You saw a change. How; and in what way?—A. Less friendly, and less cordial. I would like to say at this point that in the "Itata" question, the Junta de Gobierno, surrendered that vessel because, they stated, they could not endorse so palpable a violation of the neutral position assumed by the United States, nor could they defend the course of their officers in escaping its municipal jurisdiction. Consequently there was a determination upon their part to restore this vessel immediately to the control of the United States, in order that she might be remanded to the possession of the Court. I don't think that the opinion of the Government was ever given publication, because after the "Itata" arrived at Iquique, there was a general consensus of opinion that she had been forcibly taken. The government at Iquique might have corrected that impression at any time, had it chosen to do so.

Q. On the part of whom was this opinion?—A. Of the people at large.

Q. At Iquique?—A. At Iquique; yes sir. They were all *Oppositores*. After her delivery into our hands, the whole tone of public opinion changed manifestly. There were then articles occurring in one of the dailies, in which great disappointment was expressed, a good deal of bitterness uttered, and a good deal of hostility inferred. The general sense of those articles was, that this powerful republic at the north, in consequence of this act of injustice in seizing the "Itata", which had violated no law, according to their understanding, had disappointed three millions of people in Chile, and would leave on their minds an impression of unfairness that could not be forgotten and perhaps never forgiven.

Q. When you say "act of injustice", you refer to the act as they looked at it?—A. As they looked at it; as they regarded it. We remained at Iquique after our arrival, until the 18th of June; when we sailed; the "Charleston" and "Itata" having left the day before. We sailed for Callao in Peru; and there Admiral McCann, who had been in charge of the operations, was directed to return to the United States. While at Callao, the agent of the Central American and South American Cable Company, which is an American corporation, called upon Admiral McCann and solicited his assistance to secure, if possible, a continuation of the telegraphic cable route from Mollendo, a point in Peru, and in neutral territory, directly to Valparaiso.

Q. Had it been interrupted there?—A. The cable passed from Mollendo into Iquique, and there looped from Iquique out to Valparaiso. This cable had been laid under a concession from the Government of Chile; and the agent stated that they had sought in vain for a number of months to secure the right to pass through Iquique under any surveillance that the Junta de Gobierno might impose; but that they had delayed action; they had denied the right, and had ultimately refused to sanction any continuation of that cable route beyond the point of Iquique, asserting as a reason, that they, themselves, were the legitimate government of Chile. Telegraphic messages were sent to the Consul to arrange the matter, if possible, and to secure a direct continuation of this route through Iquique under any conditions which the Junta might impose; under any surveillance that they might wish. But this was steadily declined. The Admiral instructed me to protect the cable steamer "Relay" if the company chose to break connection off Iquique, in the free sea, outside their jurisdiction. I went to Iquique, and sought an interview there with the Consul, in this matter, to ascertain what steps he had taken as to the arrangement of this difficult matter.

Q. You went there in your ship?—A. In my ship. The Consul in

formed me immediately, that it was absolutely useless for me to see the officials; that they had declined the application of the Company, and had denied its right in toto; and he assured me that they regarded themselves as the Government of Chile, and that they would permit this line to go no further. Under those circumstances, there was but one step to be taken, and that was to notify them that the cable steamer would cut that cable, and I would advise them not to touch her.

Q. Notify the Government?—A. Notify the Government, yes sir.

Q. At Iquique?—A. At Iquique. The cable steamer, "Relay" appeared, and immediately went to work locating a buoy, which we ascertained subsequently to be five and nine-tenths miles from the lighthouse. But observing that she worked inside of that buoy on two or three occasions, it occurred to me that it might be only proper to verify the distance that the buoy was located off shore, as well as to be sure that she did not cut it inside. That was very tentative, in view of the fact that the water was much shallower. I then went out and concluded to spend the night with her; for the double purpose of being certain that the cable was not cut inside, and to resist any attempt that might be made by their Navy, which was then there, to interfere with the operation.

Q. You went out with your ship?—A. Yes sir; I went out with the ship. The next morning, the Relay signalled to me that the cable had been cut, and that he was in communication with Valparaiso. I then went into the port of Iquique, and reported to the consul the distance that the cut was off shore; and advised him to inform these people that they had better not interfere with it.

Q. How far off was it?—A. Five and nine-tenths miles. I went then directly to Caldera to look for the Admiral, as my instructions were to report to Admiral Brown. I remained over night at Caldera and one or two of their vessels came in; one or two of the Opposition vessels came in, that port also being in their possession; and we extended the usual courtesy of a visit. The officer who I sent aboard to extend my compliments to the Captain, and the offer of services, as usual when vessels arrive, was met by the first lieutenant of that ship with the salutation that they knew we were all Gobiernistas, that is, adherents of the Government. He replied that he had not come to discuss that question; that he had come simply to present the compliments of the Captain. The next morning I sailed from Caldera, and went to Coquimbo, where I fell in with Admiral Brown.

Q. About what time was it you arrived at Coquimbo?—A. I arrived at Coquimbo on the 24th day of July, 1891; and remained at Coquimbo until the 20th. day of August, when I sailed for Valparaiso. During my stay at Coquimbo, which was in possession of the Government people, we were met as pleasantly as we had been met before on our first visit to Valparaiso.

Q. That was known as the Balmaceda government?—A. Yes sir; that was known as the Balmaceda Government. Our men were permitted the usual privilege of liberty there in the same way that they had been at Valparaiso and Iquique.

Q. Without molestation?—A. Without molestation. We remained there until the 20th of August, when I was notified by telegram from the Admiral, that the insurgents, or opposition forces, had landed at Quinteros Bay, about 18 miles north of Valparaiso; and directing me to proceed with all dispatch to Valparaiso; which I did, and, arrived there on the afternoon of the 21st of August, the same day that the battle of Concon was fought. On my arrival at Valparaiso, I found

there was a very great excitement; business houses were mostly closed; people kept within doors; and all the conditions of the place appeared to present that of a city besieged. Under the circumstances, of its being so threatened, we didn't give liberty to the men. In the meantime, the battle of Vina del Mar and of Placilla had been fought; all within a week from the time of landing.

Q. And in the immediate vicinity of Valparaiso?—A. Yes sir; in fact, within sight of the ships. You could see some of the movements that were taking place, and could hear distinctly the artillery and the musketry firing.

Q. That was the afternoon of the 21st?—A. Between the Balmaceda forces and the Opposition forces; the Balmaceda forces were defending the city of Valparaiso. On the morning of the 28th, the battle of Placilla was being fought, and about half past seven o'clock I was awakened by the artillery fire. By half past nine o'clock, that battle appeared to be finished; and many of the colonels and officers had sought refuge on the various vessels in the harbor.

Q. At Valparaiso?—A. In Valparaiso. They sought refuge on the German, French and English vessels, and on our own. The larger part, however, having sought protection on the German vessels and American ships.

Q. What other American vessel was there besides the "Baltimore"?—A. The "San Francisco." Of course, after the capture of the city, during that night, there were fires in every direction. The city itself appeared to have been given over to sack and pillage and murder. And the next morning, there were three hundred people, men, women and children, found shot in its streets. There were several fires of considerable magnitude, involving, it was said, the public property. Fires took place the most of the night, and the next morning the condition of excitement was intense. The morning of that day, however, in order to protect the American interests there, the "San Francisco" and myself sent a body of sailors and marines on shore in charge of Lieutenant-Commander Tilley, Lieutenant McCrea, Cadet Edie, and a junior officer from the "San Francisco," whose name I do not remember. That was on the 28th.

Q. On the morning of the 28th?—A. On the morning of the 28th, the same day as the battle of Placilla. They were landed to protect the Consulate, and remained on shore until the morning of the 30th, when they were brought back on board ship, having fulfilled their duty. The Consulate was in Plaza Victoria. All the foreign men of war in the interregnum had sent parties on shore with the same purpose, to protect their consulates; and after order was to some extent restored, these forces were withdrawn. Immediately, however, after the reception of so many refugees on board, under the instructions which we had received to continue them only so long as the necessities of the case might require, it was important to proceed immediately to take some steps by which they could be landed in neutral territory; and to that end the Admiral transferred all of the refugees that had escaped to his ship to mine; and I sailed for the port of Mollendo on the 5th day of September, and reached there on the morning of the 9th. We arrived at Mollendo on the morning of the 9th; authority having been secured in advance by telegraph, to land all of the refugees at Mollendo, in Peru, which was upon neutral territory. Most of them preferred to go in a steamer that arrived that same afternoon, directly to Callao, however; and permission having been obtained from the authorities to do either, they were sent to this ship, and ultimately reached Callao. I returned

immediately to Valparaiso, arriving there on the forenoon of the 14th of September with the "Baltimore." The Admiral signalled me immediately to have my mail ready; that he was going to San Francisco; and that I was to be left at Valparaiso as the senior officer in the South Pacific. On the afternoon of the 14th of September, the Admiral sailed; and matters appeared to be rather quiet about Valparaiso; order seeming to be restored to a great extent. But later, after the Admiral had sailed, the Legation in Santiago, in which a number of the Balmaceda people had fled, was surrounded by the police.

Q. The American legation?—A. The American legation was surrounded by the police, and arrests made of every one who entered, or left that legation. The Minister telephoned immediately for me to come to Santiago, which I did; and I spent two or three days with him in consultation. The result of that consultation was a vigorous note to the Junta Government, that was then installed at Santiago. I returned to Valparaiso, and I found each day that the excitement over this matter of the refugees was increasing in extent.

Q. Among the the residents?—A. Among the residents of Valparaiso. Another difficulty which added to the excitement, was an untrue telegraphic report, which had been transmitted on the eve of the "San Francisco's" departure, that Balmaceda was on board. Although the authorities at Santiago knew that that was not the case, and although the Admiral had assured the Intendente, when he left, that Balmaceda was not on board, and would not be, there was no official denial of this report, and the excitement was simply permitted to take its course. From that culminated a number of unpleasantnesses.

Q. There was no official denial of the report by the authorities of Chile?—A. No sir; the authorities of Chile made no official denial of the report. There was a personal denial by myself in every direction where I could reach the report; but as the matter had been published, and as the papers had found their way into households and in the communities which I could not reach, naturally the rumor had gained such headway that it was impossible to correct the impression in anybody's mind, that it was not true. However, that excitement subsided. I considered that in view of the excited condition of the public mind on shore, that I would restrain the liberty of the men, and limit that of the officers to sundown; with a purpose in view to avoid, as far as possible, any complication additional to that which had already been inaugurated by the Government in surrounding the legation, and arresting every one who had simply gone into, or come out of it. That excitement in time, wore away; and as the Admiral had given liberty to his men, the crew of the "San Francisco", and as every foreign man of war in port had been doing so for one month previously, I gave the crew of the "Baltimore" liberty on the 16th day of October, 1891. On that day there was sent on shore, about 117 people.

Q. Before giving liberty to the crew of the "Baltimore" in Valparaiso, on the occasion of your first visit there, did you consult the authorities as usual in such cases?—A. It is always usual, and we did consult the authorities; more with the view to ascertain the port regulation affecting it; and that is always done during the first visit to every port, when you reach your station. Subsequently, it is extended in its hospitality to you. On the return of my ship from Mollendo, the captain of the port on the 14th of September visited my ship, and extended not only the courtesies of his office, but the hospitalities of the city also to me; which is customary in all places, after ships have once gone up the coast.

Q. Was that understood to include the granting of liberty to the crew?—A. Yes sir. Every hospitality which the city could offer to a foreigner is included in this offer.

Q. Between the 14th of September, the date of your return to Valparaiso, and the 16th of October, did you give liberty to your crew?—A. Between that time I gave no liberty, excepting some special case.

Q. Between those dates, as I understand you, the unsettled condition of the affairs of the people about there had been corrected?—A. Yes sir; the excitement had subsided to a very great extent.

Q. On the 16th of October last, when you granted liberty to the crew of the "Baltimore", what other foreign vessels of war were in the port?—

A. There were three German, two English, and two French vessels of war in port.

Q. Were they granting liberty to their crews?—A. Yes sir; they had been ever since a week or so after the battle of Placilla.

Q. Up to the time you granted liberty to your men?—A. Yes sir; up to that time.

Q. Had you heard of any serious attack upon any of the crews of those vessels?—A. No; except there was a row with some of the German sailors, but its extent I did not ascertain. I don't think it involved, however, more than two or three men.

Q. Just an ordinary street fight or row?—A. Yes sir; just an ordinary row. One of them was cut pretty badly. That is usually the way in which vengeance is meted out there; with the knife.

Q. Now, proceed.—A. On the 16th day of October, about half past one to two o'clock, I gave liberty to 117 men; about one-third of the ship's company of the "Baltimore." At half past two o'clock the first lieutenant and myself went on shore, as I customarily did for an afternoon's walk; and I met a very large number of the crew between half past two and half past five o'clock, walking about the streets in the Calle Esmeralda and the Calle Arturo Prat, in the Plaza del Orden, and the Plaza Victoria. I was very much impressed by their orderliness, their cleanliness and their politeness to everyone whom they met on the streets. It was a matter of such gratification, that the first lieutenant and myself, commented very frequently on the spectacle. During this time I saw Hamilton, one of the men who was grievously wounded, perfectly sober; for I held a conversation with him.

Q. Where was this?—A. It was near the corner of the Plaza Victoria, and the Calle Neure.

Q. When you saw these men on shore at the time you stated, did you notice any of them passing Chilean officers, and what their conduct was towards them; if so, what was it?—A. Yes sir; I noticed them passing Chilean officers; some of whom saluted, and others passed them without notice.

Q. Were they in uniform?—A. Yes sir.

Q. Some of them passed without notice?—A. I say some saluted them, and others passed them without notice. Perhaps they may not have seen them; perhaps they did. That I can't say. I saw also Jerry Anderson, one of the men who was dangerously stabbed. He was perfectly sober, for I spoke to him. I saw Wallace; I saw Turnbull and Stewart, and a number of others whose names just now escapeme. I also saw Talbot.

Q. Members of the crew of the "Baltimore"?—A. Members of the crew of the "Baltimore", and of the liberty party. Talbot and Riffin, my impression is, I saw in a carriage, driving in the direction of the Plaza Victoria.

Q. About what time was that?—A. As nearly as I can locate it, it was about half past three o'clock.

Q. What was their condition?—A. They were perfectly sober. They were laughing and chatting in this carriage; and as everybody else that I had seen was sober, I assumed, of course, that they were.

Q. You refer to the other men of the crew?—A. Yes sir; I refer to the other members of the crew of the "Baltimore" on liberty. Most of these men, I saw towards five o'clock; and many of them after five o'clock. Now I left on shore about half past five; my impression is that it was twenty minutes of six. I looked up at the Intendente's clock, because I had kept my boat's crew after its meal hour; and I fixed the time by looking at the Intendente's clock, and it was twenty minutes to six o'clock. I had seen, I suppose, fully seventy men of the crew of the ship.

Q. Was there assembled more than the usual crowd around the Mole?—A. Not more than the usual crowd. There were quite a number of fleteros and boteros; lightermen, boatmen and longshoremen.

Q. Was the crowd creating any disturbance?—A. No sir; everything was perfectly quiet, and I went off to the ship. At half past eight o'clock, I was informed by an American captain by the name of Potter, who came off with another gentleman, a young Chilean, and reported to me that there had commenced in various parts of the town an assault upon my men; and that one, whose personal description he gave, he thought was killed; that it was in his opinion, the most unprovoked, the most brutal and the most cowardly assault upon sober, unarmed and defenceless men that he had ever seen.

Q. He was a captain of an American vessel in port there?—A. He was the captain of an American vessel in port at the time. All that he said was corroborated by the young Chilean who was with him. His name, perhaps, I had better not give, on account of his being a resident. He seemed to be very much affected, and thought that it was a most dastardly outrage. Both of them seemed to be considerably surprised at the fact that I was not at all excited over the news that they had conveyed. I said to them that if there was ever an occasion when a man who was a principal in an affair of such gravity should be himself, and entirely himself, and free from excitement, it was at a moment of that sort; and that after the matter had been arranged so far as we were able to do it, then my time for excitement would perhaps more properly arrive. Later along, a message came from, I think, one of the officers that order had been restored, and a number of people had been arrested.

Q. One of the officers of your ship?—A. Yes sir; from one of the officers of my ship. My impression is that it was Lieutenant Sturdy. The message was that order had been restored, a number of people had been arrested, and that everything was all quiet. I went to bed. Of course, that night I immediately began to reflect upon what would be the course of action; and the next day I went on shore and called upon the Intendente; and made a most urgent demand for the immediate trial of these people.

Q. For the trial of what people?—A. For the trial of my arrested people; those who had been arrested. The Intendente informed me that he had already handed the matter over to the judiciary, and that his only concern in it was a friendly one, and he advised me to go and see the judge of the criminal court. I told him that I was a little surprised that he should manifest simply a friendly interest in this thing, and that his authority should not extend beyond that; but that I could

not, under any circumstances, communicate with an under official, I think that was the term I used. I told him that the question was one of such gravity that it was a matter of sufficient importance, it occurred to me, for him and myself to deal with directly. He then promised that the matter should take precedence of all others; and that afternoon I wrote him a letter in which I informed him of this matter, and said that if my people in the investigation were found to blame, he might rely upon it that they would be punished to the fullest extent of the law; and that I felt certain that if it should happen that the people on shore were to blame, that I could expect the same justice from Chile. I immediately sent that same day an officer, Lieutenant Sears, with a request for representation for the men at the trial.

Q. What day was this?—A. This was the 17th. I sent Lieutenant Sears with a request for representation, in order that the men in their defense might make no mistake in pleading or in testifying. He informed Lieutenant Sears, as the Intendente did me, that the process was a secret one, and that until a certain period of the enquiry had been reached that it would be improper under Chilean law, to permit any testimony to be heard or to be known. I went to see the Judge of the Court personally, the following day, and in my interview with him, after a pleasant introduction, he said to me, "Your men appear to know nothing about this affair".

Q. What affair was he referring to?—A. The disorders of the 16th. He said that it was the direct consequence of the hatred which the lower classes of people had taken towards the United States, because they felt that they had helped the Government of the Dictator.

Q. To whom do you refer as the Dictator?—A. The Dictator was Balmaceda's government. I was glad to hear an admission of that sort, because it agreed absolutely with just what I had supposed to be the case.

Q. Then you understood from the judge of the criminal court, if I understand you correctly, that these attacks, or a combination of attacks upon the crew of the "Baltimore," members of the crew who were on shore at Valparaiso on the 16th of October, resulted from this ill-feeling on the part of that class of residents of Chile, towards the United States?—A. Towards the United States, yes sir. I certainly inferred that that was precisely what he meant. But when I expressed some surprise, he qualified his admission by stating that it might be with reason, or without it; of course he could not state that. That, however, ended our interview; with the promise that the men who were then under trial would be immediately discharged; that he had been able to find nothing against them.

Q. Was this on the 17th, the next day?—A. No; this was on the 18th.

Q. On Monday?—A. I don't remember the day. The 18th or 19th was the occasion of this visit. I cannot remember the day. I think the occasion of this admission to me was on the 19th. That ended, of course, my interview with him. I left and went on board ship, and I didn't have the pleasure of seeing him again.

Q. At the closing of the interview to which you have testified with the Judge, he stated that he could not find anything against the men. Did he refer to the 31 men who had been arrested on shore there and confined?—A. He referred to the eleven last, who had been retained; to the eleven who were discharged on the 20th. The other twenty had been discharged on the Saturday previous, and given in charge of Lieutenant Sears with a similar statement, that nothing appearing against these people, they were returned to my authority from the court. In

the meantime I had organized a board of inquiry, composed of Lieutenant Sydney May, Lieutenant Sears, and Past Assistant Surgeon White, and directed them to investigate most carefully, all of the causes leading to the disorders of the 16th of October while my men were on shore on liberty. This board began their proceedings on the 19th day of October, and handed their report to me on the 23rd. I was a good deal surprised I must admit, at the finding of the board; because I had not known before that the assassination of my people had been so brutal; that the assault had been so cowardly, or that it had been so general. It was my first intimation that the attack was a premeditated one; and the fact that it had occurred in several parts of the city that were widely separate, almost simultaneously, induced the conclusion almost irresistibly, that that was the fact. Now, that my men, the great majority of these men were sober on shore at that time, was further corroborated by Captain Potter, by Captain Jenkins, by Mr. McLean, and hosts of other people on shore; and by Mr. Frederick May who had seen these people after the assault had begun.

Q. You say the greater majority of the men on shore?—A. Yes sir. I say they all corroborate the fact that they were perfectly sober. The fact that they were sober was corroborated by the greater majority of the people I spoke of; consequently the inference was incontestably correct that these men were perfectly sober during the time; but to fortify myself in relation to those that were wounded, who had been carried to the hospital, as to their condition, I sent Dr. Stitt with my compliments to the lady superior of the prison ward.

Q. Was he one of the medical officers of the ship?—A. Yes sir; he was one of the medical officers of the ship. I sent him to inquire particularly whether the men when delivered there that night were sober; and the answer returned to me was that they were all sober. So that I felt perfectly satisfied in the statement in my report to the Secretary of the Navy, that the assault had been made upon sober, unarmed, and defenseless men. My men had no arms; and the fact that after an exhaustive examination before the court, seven small pen knives were all that could be found upon them, and were returned to me in an official communication, established as complete a refutation of the charge that they were armed as I might desire to establish, myself.

Q. You were requested, as I understand you, by the Intendente, to send for these articles which had been taken from the men when they were arrested?—A. Yes sir, I was requested in an official communication to send for them; and I deputized Lieutenant Doyle of the Navy. He went and returned to me a certain amount of money belonging to each of the people who had been arrested, and also seven little pocket knives, pen-knives that had been taken from those who had been declared to be armed, by the press of Valparaiso. I do not believe, and I never have believed that the assault was made by Chilean sailors belonging to their fleet as a body. On the contrary, there were one or two instances in which these men had assisted some of mine to places of safety. It was composed principally of discharged sailors from transports and other vessels, and added to them longshoremen and boatmen, and the lower order of people of the town; I mean of that west end of the town. That was my conclusion.

Q. That was your conclusion?—A. My inference, yes sir. Now after this difficulty had occurred, there was a very noticeable difference in the feeling of the people towards us again. Those who had been formerly most cordial, avoided us. We were not invited to the Clubs. We were not invited to a public banquet that was given at Santiago, to

which every foreign officer lying in the port of Valparaiso at that time was invited. I wrote to enquire whether this was an oversight, or whether it was an intentional slight.

Q. You wrote to whom?—A. I wrote to the American minister. I had returned to me, some two weeks after, an apologetic letter that was so evidently lame that I hardly regarded it as worth retention.

Q. From whom was the letter?—A. From one of the gentlemen who was manager of this Congressional banquet.

Q. What was his nationality?—A. He was a Chilean gentleman. In connection with that same subject, I would like to say that there were manifest discourtesies exhibited to us on the part of the Chilean war vessels. When I returned from Mollendo on the 14th to Valparaiso, the senior officer dispatched me an officer with the general official courtesies. The next morning at ten o'clock, within 24 hours, as required by the international rule which governs such ceremonies, I returned that visit and left my official card. I waited for the return of that visit for nearly six weeks.

Q. Was the vessel lying in the immediate vicinity of your ship all this time?—A. Yes sir; she was in plain view; not a cable length away.

Q. Was the commanding officer present during this time?—A. The commanding officer was not on board on the occasion of my visit, but in order that there should be no misapprehension as to the visit itself, I left my official card.

Q. I mean during this interval of six weeks, was he present?—A. There had been a change in commanding officers. After waiting six weeks, I sent an officer aboard with my compliments, to know whether or not my visit had been reported to the captain; whether the omission to return it was intended, or whether it had been neglected. Immediately an officer returned to state that his captain would be on board in the morning. The following day he appeared on board, when a most ample apology was made, and it was hoped that I would accept it. I said there was nothing left for me to do but to accept it, and that I would regard the matter as though I had only come in to the Port the day before; and would therefore carry out the rules which this international circular required; and I went immediately the next day and called upon all the Chilean vessels that were then in port on the occasion of my return from Mollendo, on the 14th of September; they were the "O'Higgins," the "Esmeralda," and the "Huascar". And I took very good care to explain to these gentlemen why my visit had been delayed so long. At the same time, the South American line of steamers under the Chilean flag had been in the habit of leaving the port of Valparaiso and dipping their colors to every foreign man-of-war in the harbor, excepting the "Baltimore."

Q. Theretofore they had?—A. Yes sir. I observed this, and I sent to the agent on shore to know whether it was an intentional discourtesy, or whether it was within his knowledge. While I personally appreciated the fact that a merchant steamer was not obliged to dip to any vessel of war, yet if she did it to one, and omitted to do it to another, the discourtesy was very apparent. He sent these captains off to apologize to me immediately. They came off and rendered a very full apology. They simply said that was a matter that they had placed entirely in the hands of the quartermasters, and that they were not aware that the courtesy had been omitted. I said it was a singular omission.

Q. Had you noticed them dipping to other vessels on the same occasion?—A. Yes sir; on the same occasion. Then later I was coming

off one evening from the Mole, and it was with very great difficulty that I could avoid being run down by the Captain of the Port's launch, in command of the coxswain. I was obliged to back water to keep clear. The day following that one of my boats was going on shore about one o'clock, when a boat from the "Cochran", with officers on board, pulled out of her course across the bow of this boat of mine, obliging her to back water in order to avoid a collision. The same afternoon, the "Esmeralda's" steam launch, in charge of her coxswain, was going in to the Mole, and speeded up out of her course and ran across the bow of my steam launch; and they were obliged to stop and back, to avoid a collision again. I immediately wrote a note to the senior officer present, in which I recited the two occasions.

Q. To the Chilean senior officer?—A. Yes sir; and I invited his attention to these two occasions of discourtesy, reminding him that I had always placed an officer in charge of my boats to avoid just such discourtesies to his boat and that I hoped that the two instances were accidents which would not be repeated. I received from him a very civil answer, in which he expressed much mortification, and promised to correct this trouble, if it should occur again; and it did not occur, so far as we were concerned. At the same time I wrote a note to the captain of the port calling his attention to this discourtesy to me, and from him likewise I received a very pleasant note, in which he promptly acknowledged the discourtesy, and dismissed the coxswain; so that I really had nothing whatever to complain of.

Q. As I understand you, these were instances of the expression of hostile feeling on the part of these subordinates; is that it?—A. Yes sir. I would very often hear, being somewhat familiar with their language, very ungracious and very impolite, and oftentimes very discourteous remarks made about the Americans; some of which were, that it would be a good idea if they had all been killed on the night of the 16th, and a better one still if they all who lived in Chile had been killed. I heard those remarks on the street; I would catch snatches of conversation as they passed me, as one does in English in passing people. Putting the newspaper expressions together with the evidences of hostility as exhibited by the officers themselves, and their boasts, and the unkind and ungracious expressions on the street, and with what his honor the judge of the court of crimes told me, I felt that I had a pretty conclusive case against the Chilean people for discourtesy and hostility; as it was manifested it seemed to me, in about all quarters.

Q. What difference, if any, did you observe in the expression in the feeling of the people from what you noticed when you were there the first time, on your arrival in September following, and during the period that elapsed between your arrival and the date of these difficulties, the 16th of October?—A. I observed no hostility, and I observed no particular courtesy. It was a condition, it seemed to me, of neutrality. I saw nothing that was offensive, or nothing that would assure me that there had been any very marked change in the feeling from our first visit. But the occurrences I have described are all those which occurred subsequent to the 16th of October. These discourtesies, and these expressions of opinion which I heard on the streets, were all subsequent to October 16th.

Q. Did you understand from the information you received from the authorities at Valparaiso when you sailed from that port, that there were no charges or indictments existing against these men of the "Baltimore" who had been arrested and examined and returned to the

ship?—A. Yes sir. I wrote a letter to the Intendente, a day or two before I left Valparaiso, to ascertain whether they desired my men as witnesses, or in any capacity before that Court; and he replied to me that there was no further need for the "Baltimore's" men, nor were there any pending citations against them; consequently I sailed. I would like to add a very noticeable feature in connection with these disorders of the 16th of October, that I never heard an official regret expressed, I never saw any call or request in the public daily papers for a rigid investigation on the part of the authorities; nor did I ever hear one private expression of regret that the thing had occurred, by any Chilean or Chilean official. In fact I might almost say, until I had initiated the proceedings myself, I was never officially informed that there had been a slaying of two of my men, and a stabbing and wounding of a number of others in the streets of Valparaiso. The press desired to induce the impression that it was an ordinary drunken row. But I never could understand what that had to do with it; because even though the men might have been drunk, there could be no alteration in the Chilean responsibility for what occurred under such circumstances.

Q. Do you mean that even should the men have been drunk, still that would not justify the treatment they received by the Chileans?—A. Yes sir; even should the men have been drunk, it strikes me very forcibly that their proper punishment was not death and such maltreatment as they received.

Q. Was there to your knowledge any expression of regret from any official of the Chilean government or any newspapers, in relation to these occurrences on the 16th of October?—A. I never heard any expression of regret from any individual; nor did I see one expressed in any of their papers.

Q. Do you know how many Chileans were arrested on shore that day?—A. Eleven were arrested, on October 16th.

Q. Are you familiar with the appearance or uniform of the guard that is usually on duty about the Intendencia at Valparaiso?—A. No; I am not. There was such a variety of uniforms after the Insurgent authority became the Government, that it was impossible.

Q. Were they soldiers or police?—A. They were partially soldiers and partially police.

Q. How were they armed?—A. The police were armed with sword bayonets; and the Intendente's guard were armed with muskets, Mauser rifles. The general distinction though is, that the police are dressed in blue, and the military people usually have red pants and red caps.

Q. What kind of coats?—A. Blue coats.

Q. The soldiers?—A. The soldiers, yes sir. Then there is another set who wore gray uniforms, but I don't know what their distinctions are. I don't know the corps to which they belonged.

Q. Do you know what time these disturbances ended on shore that day?—A. I was informed that they ended about a quarter or half past seven o'clock. They began about six o'clock.

Q. Have you any knowledge, captain, as to the manner in which the police at Valparaiso treated the crew of the "Baltimore" when they were on shore on liberty that day?—A. I have no personal knowledge. My only information is derived through the report of the board of investigation.

(Sgd.)

W. S. SCHLEY,
Captain Comdg. U. S. Cruiser *Baltimore*.

UNITED STATES OF AMERICA,

State and Northern District of California, ss :

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Winfield S. Schley, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the office building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
Commissioner, United States Circuit Court,
Northern District of California.

DEPOSITION OF SYDNEY H. MAY.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 13th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Sydney H. May, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

SYDNEY H. MAY, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, rank, and station.—A. My name is Sidney H. May; lieutenant in the United States Navy, serving on board the "Baltimore".

Q. How long have you been attached to the "Baltimore"?—A. A little over two years.

Q. Were you attached to the "Baltimore" in October last, when that vessel was in Valparaiso, Chile?—A. Yes sir.

Q. Were you on duty on board the "Baltimore," the day the liberty-party went on shore; if so, what duty were you performing?—A. I was officer of the deck on the 16th of October, 1891.

Q. You were officer of the deck, at the time that the men went on liberty, at Valparaiso?—A. Yes sir. I also had the first watch, as it was called, from 8 to 12 o'clock at night, when Jerry Anderson was brought on board stabbed.

Q. What was his condition as to sobriety, when he came aboard?—A. As near as I could make out he was perfectly sober. I think he had four wounds in his back. He was helped up the side by some of the crew, and went down in the sick-bay.

Q. What inspection was made of the men who went on liberty, immediately prior to their leaving the vessel?—A. The ordinary inspection. We saw that they were not armed; that they had no arms at all, not even their jack knives. They were in uniform with their knife-lanyards, but no knife on the lanyard.

Q. There were not allowed to carry their jack knives on shore with

them, is that it?—A. Yes sir; the orders were for them to go ashore without any knives at all. I mean the ordinary jack knife which is served out aboard a man-of-war.

(Sgd.)

SIDNEY H. MAY.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that Sydney H. May, the witness who subscribed the foregoing deposition was by me duly sworn; that said deposition was taken on the 13th day of January, A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM H. CHRISTIE.

Be it remembered, that at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Office Building of the Navy Yard, Mare Island, California, on the 14th day of January, A. D. 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William H. Christie, who, after being duly cautioned and sworn, did depose and say as follows, to-wit:

WILLIAM H. CHRISTIE, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and present station.—A. William H. Christie; coal-heaver on the U. S. S. "Baltimore".

Q. What is your age?—A. I am 24 years of age.

Q. Were you attached to the U. S. S. "Baltimore" when that vessel was at Valparaiso, Chile, in October last?—A. Yes sir.

Q. Did you go on shore at Valparaiso, on the 16th day of October last, with other members of the crew of the "Baltimore", on leave?—A. Yes sir.

Q. Do you know of any difficulties or disturbances, that occurred on shore at Valparaiso, that day, between Chilean sailors or others, and members of the crew of the "Baltimore", who were on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge relating to any such difficulties or disturbances?—A. I went ashore at one o'clock; I left the ship at that time. I and Sullivan and Owen Canning and Quigley; and I went into a place and got some money exchanged.

Q. Were these men members of the crew of the "Baltimore"?—A. Yes sir. And then we went up the street.

Q. Which way did you go?—A. We went up Calle Cochran, and then up on Ship street. And when we got down there, we came across coal-heaver William Turnbull; and we saw him with two citizens, and we asked him to come with us; and he said "no," that he was going to see a school-mate of his, and these two citizens were going to show him where he was. We left there and went down to Calle Cochran, and had supper; and when we got out of there, we met Jack Carson, oiler on the U. S. S. "Baltimore," and he told us there was trouble on the Mole; and we went down there, and we saw some of the members of the crew of the "Baltimore"; and I got struck with a rock and knocked senseless.

Q. By whom?—A. By one of the Chileans, I suppose it must have been.

Q. Was there a crowd about you?—A. Yes sir.

Q. Were they chasing you?—A. Yes sir, they were chasing me very hard; and I got in among the mob, and I couldn't see any more. I saw Sullivan, an oiler on the "Baltimore", so when we come out of there I saw Davidson.

Q. Where did you see Davidson?—A. On the Mole.

Q. Was Sullivan there too?—A. Yes sir, Sullivan was there at the same time; and we left there. Everything was quiet. We ran into a place there, and we started to get a bed to sleep all night; and policemen came up and arrested us, and beat us quite bad.

Q. Did the policemen arrest you?—A. Yes sir.

Q. Why did they arrest you?—A. I was walking along the street quietly, saying nothing to anybody; and there was a lot of policemen came up to me with charged bayonets, muskets, and told me to go aboard the ship; motioned to me.

Q. What did you do?—A. I started to walk away from them.

Q. Towards the ship?—A. Yes sir; I started to walk toward the Mole; and there came along a gang of them and arrested me.

Q. Who arrested you?—A. The policemen.

Q. These same ones who told you to go aboard the ship?—A. Yes sir.

Q. What did they do?—A. They put cat-gut around my wrists and dragged me along.

Q. Did you resist them?—A. No sir; not in any way or shape.

Q. How did they treat you on the way to the prison?—A. They treated me pretty bad. They struck me across the back, with a musket.

Q. What for?—A. I don't know.

Q. Were you resisting them?—A. No sir. I was struck four or five times across the back with a musket.

Q. Did it hurt you much?—A. Yes sir; it hurt my back quite bad.

Q. Did you have any arms or weapons or knives of any kind about you at the time?—A. No sir.

Q. Were you in uniform?—A. Yes sir, I was in uniform.

Q. What was your condition as to sobriety?—A. I was perfectly sober.

Q. Where were you arrested; near the Mole?—A. I was arrested just by the statue at the Mole.

Q. Just by the Prat monument?—A. I couldn't say what the name of it was.

Q. About what time was it that you were arrested?—A. It was just a little after dark. I couldn't say just exactly what time it was.

Q. Was it about dark, when you arrived at the Mole?—A. Yes sir; just about dusk.

Q. How long before this was it, when you saw Turnbull and the others up town there?—A. About 20 minutes I think. I couldn't say exactly.

Q. Do you know the neighborhood in which you saw Turnbull; about where it was?—A. Yes sir; it was up at the top of the part that they call Ship street.

Q. Was it in the direction of the saloon called the Shakespeare; up around that neighborhood?—A. Yes sir.

Q. What was Turnbull's condition as to sobriety when you saw him?—A. He was sober sir.

Q. When were you released from prison?—A. On the night of the 17th.

Q. Did you at any time, or to any person or official in Valparaiso, Chile, express your approval of the action of the police on that occasion?—A. No sir, I did not.

(Sgd.)

W. H. CHRISTIE.

UNITED STATES OF AMERICA,

State and Northern District of California, ss:

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William H. Christie the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 14th day of January A. D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to typewriting, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 15th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF SAMUEL W. COOK.

Be it remembered, that at the above-entitled examination, conducted by Col. W. B. Remey, U. S. M. C., Judge Advocate General of the U. S. Navy, by order of the Secretary of the Navy, Mare Island, California, on the 14th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared Samuel W. Cook, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

SAMUEL W. COOK, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. State your name, rating, and station.—A. My name is Samuel W. Cook; I am a private in the United States Marine Corps, serving on the U. S. S. "Baltimore."

Q. Were you attached to the "Baltimore" when that vessel was in Valparaiso in October last?—A. Yes sir.

Q. Did you go on shore on liberty with other members of the crew at Valparaiso in October last?—A. Yes sir.

Q. What is your age?—A. 47.

Q. Did you see any difficulty or disturbance which occurred on shore in Valparaiso that day, between any Chilean sailors or others with members of the crew of the "Baltimore" on liberty there?—A. No sir, I did not.

Q. How long did you remain on shore?—A. I went ashore on the 16th, and came aboard the ship at three o'clock of the 17th, in the afternoon.

Q. What if anything occurred to you on the 17th, when you were on shore at Valparaiso?—A. I was going up the street alone about eleven o'clock on the morning of the 17th, and three men were sitting in front of a door. They were Chileans. They all got up at once as soon as they saw me. It looked suspicious to see them getting up. They started down towards me, looking down the street towards the houses on the side of the street, and when they got close to me they all turned around at once, hauled off and struck at me. One hit and struck me on the side of the eye.

Q. With his fist?—A. Yes sir.

Q. The police saw it, and two of them came up on horseback, and took me to the station. I did not get any more licks at all. These three men went away.

Q. Did the police arrest either of these three men?—A. No sir; they did not. They just put me in the station where the guard was. All of them, I think, were officers, and officers were sitting in the room. I waited there until about half past two, and they had not said anything more to me.

Q. How did the police treat you when they took you to the station?—A. They treated me all right.

Q. What were you doing when you were walking along the street?—A. I was going to make a purchase of some things that I wanted. I was perfectly sober.

Q. Did you say anything to these men who attacked you?—A. I never said a word to any one. I had not seen any row or anything.

Q. When you were walking along the street, had you said anything to either of these men who attacked you?—A. Not a word.

Q. How long were you kept in the police station?—A. From about eleven o'clock in the morning, until about a quarter past two in the afternoon.

Q. Was any charge made against you?—A. I don't think there was. These officers put me there, and they went away again.

Q. Did you return alone to the ship?—A. I did.

Q. Were you alone at the time this attack was made upon you?—A. Yes sir.

Q. Were you in uniform?—A. Yes sir.

Q. What was your condition as to sobriety at that time?—A. I was sober at the time. I came aboard sober.

Q. Had you any arms of any kind, or weapon or knife about you?—A. No sir.

Q. Did you at any time, to any person in Valparaiso, express your approval of the action of the police on that occasion towards you?—A. No sir.

(Sgd.)

SAMUEL W. COOK.

UNITED STATES OF AMERICA,

State and Northern District of California, ss :

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California do hereby further certify

that Samuel W. Cook, the witness who subscribed the foregoing deposition, was by me duly sworn; that said deposition was taken on the 14th day of January, A.D. 1892, at the Office Building of the Navy Yard at Mare Island, California; that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In witness whereof, I have hereunto set my hand this 14th day of January, A. D. 1892.

(Sgd.)

J. S. MANLEY,
*Commissioner, United States Circuit Court,
Northern District of California.*

DEPOSITION OF WILLIAM H. JENKINS.

Be it remembered, that, at the above-entitled examination, conducted by Colonel W. B. Remey, U. S. M. C., Judge Advocate-General of the U. S. Navy, by order of the Secretary of the Navy, held at the Appraiser's Building, San Francisco, California, on the 18th day of January, 1892, before me, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, duly appointed and qualified, personally appeared William H. Jenkins, who, after being duly cautioned and sworn, did depose and say as follows, to wit:

WILLIAM H. JENKINS, having been duly sworn, testified as follows:

The JUDGE ADVOCATE-GENERAL.—Q. Please state your name, nationality, and occupation?—A. My name is William H. Jenkins; I am an American; and master of the steamer "Keweenaw," an American steamship.

Q. How long have you been commander of that vessel?—A. Since she was first built; since June, 1891.

Q. Were you in the harbor of Valparaiso, Chile, in September, October, and November last, in command of that vessel?—A. Yes, sir.

Q. On what date did you arrive at Valparaiso in command of that vessel?—A. On the 29th day of September last.

Q. How long did you remain at that port?—A. I remained there until the 23d day of November last.

Q. Did you, during your stay there, live on shore?—A. Yes, sir.

Q. Did you hear any expressions of hostile feeling with reference to Americans, by residents of Chile, during your stay there, and prior to the date of the attack upon the members of the crew of the "Baltimore," who were on liberty at that place, on the 16th of October last?—A. Yes, sir.

Q. What was the nature of those expressions; what were the expressions?—A. They abused any American sailors that came ashore, and made threats in that way. That was among what we called the fleteros, or boatmen. The people of higher class would make a great many sarcastic remarks in their conversation, which would rile Americans, and they would say a little more than they would ordinarily.

Q. Sarcastic remarks in regard to what?—A. In regard to Americans, and also in regard to the American nation; and in regard to American men-of-war, and so on. These remarks were made in hotels, theaters and club-houses, and cafes; wherever they would meet.

Q. What were these threats that you speak of; what was the nature

of the threats made by the lower classes?—A. Well, they would make threats to whip the Americans. They were made in different ways.

Q. Did these threats appear to be confined to American sailors?—A. Yes sir.

Q. Did you see members of the crews of other foreign men-of-war ashore there?—A. Yes sir.

Q. Did you notice any such threats as you have described made towards any of them?—A. No sir; I never saw any trouble with other man-of-war's-men. In general conversation with other classes of people, the higher class of people; they would make a great many sarcastic remarks.

Q. Do you know of any difficulty or disturbance which occurred on shore that day at Valparaiso, between any Chilean sailors or others, and members of the crew of the U. S. S. "Baltimore" who were on shore at that place, on liberty?—A. Yes sir.

Q. State all the facts and circumstances within your knowledge which relate to any such disturbance or difficulty?—A. On that eve of that day, the 16th of October, 1891, at Valparaiso, at half past five o'clock, I was taking my dinner in the Hotel Rolf.

Q. Locate it.—A. It was situated on the Calle Cochrane, not quite on the corner of an alley way.

Q. It was between Calle Cochran and what other street?—A. It was on Calle Cochran; the front door is on Calle Cochran, and it extends through to Calle Blanco; there is another entrance on Calle Cochran. It is near the Plaza Intendencia. It is bounded by Calle Cochran, Calle Blanco, and this square. It is about one block west of the Plaza Intendencia.

Q. You were in there at your dinner?—A. Yes, sir; I heard a mob crying outside on Calle Cochran. I immediately got up and went out to see what was the trouble; and on getting out into Calle Cochran I saw an American sailor from the Baltimore running up toward the Intendente's office, and when he got up to the door these soldiers put their guns up and stopped him from going in, and chased him down the square; and the mob tackled him and knocked him down; and he was afterwards rescued by the police and taken to the police station. That is all that I saw of this man.

Q. What did this mob consist of?—A. It consisted of sailors and the general populace of the town.

Q. Do you mean Chilean sailors?—A. Yes, sir; Chilean sailors; and the middle class of people of the town.

Q. About how many were there?—A. I should say there were about 25 or 30.

Q. Were they pursuing the sailor from the *Baltimore*?—A. Yes, sir.

Q. Was this sailor in uniform?—A. Yes sir.

Q. After he was knocked down what was done?—A. The mob gathered around him and the police came and took the sailor away.

Q. Did this man, when you saw him, appear to be molesting any body, or was he trying to escape?—A. No sir; he was not molesting any body. He appeared to me to be running for his life. I took it to be such because he was running for the Intendente's office and trying to get in to be protected. I then went down abreast of the Prat monument there, and while standing there I should say there were 12 or 14 soldiers came along in charge of a lieutenant.

Q. Chilean soldiers?—A. Chilean soldiers, yes sir. And the friend that I was standing with made the remark to me, that we had better get in out of the way, because they would commence firing around

there, and we would be liable to be shot. Before I started to go into the house there was another sailor came, not exactly up the Mole, but next to the Mole.

Q. What kind of a sailor?—A. An American sailor, a member of the *Baltimore's* crew; he came up pursued by some 12 or 15 of these Chilean sailors and he was all covered with blood. He ran up into the square and then went up Calle Blanco, and he was stopped by the police and taken charge of and run into the station.

Q. What was the crowd doing when they were pursuing him up as you have stated?—A. They were hitting him with clubs and rocks. He was a sight to behold. He was covered with blood from head to foot.

Q. Was he molesting any person, so far as you saw?—A. No, sir.

Q. What was he doing?—A. He was running away; fleeing for his life; trying to get away. I judged he had been down to the Mole trying to get off in a boat; but the mob drove him away.

Q. This was about what time?—A. This was in about the neighborhood of about 6 o'clock. This all happened very quickly, within a half an hour. After that I went around to the hotel and went in, not considering it safe to be out.

Q. You went back to the same hotel?—A. The same hotel, the Hotel Rolf. At that time they had stopped the horse cars from running, and all the stores had closed up in that vicinity, on account of this mob. While I was looking out of a back window of the hotel a sailor came running up through Pass No. 3.

Q. Was he one of the "*Baltimore's*" crew?—A. Yes sir; he was one of the *Baltimore's* crew. He came running up through Pass No. 3 into Calle Blanco, which is the street on the back side of the hotel. And we hollered out to him, "Run into a doorway".

Q. You hollered out to him?—A. Yes sir. And the lady that was standing there with me was looking out at the same time; and we hollered out to him "Run into a doorway, and get out of the way."

Q. Were any persons following him?—A. Yes sir; there were eight or ten following him.

Q. What were they?—A. They were Chilean sailors and the mob.

Q. What were they doing?—A. They were heaving stones at him; and when they got right abreast of us, one man came up and gave him a shove and knocked him down.

Q. One of this crowd?—A. Yes sir; and another one picked up a paving stone and hit him around the shoulders here, (showing).

Q. Hit him with a paving stone while he was down?—A. Yes sir; and that laid him out stiff. We concluded that he was dead. The lady that was standing with me at the window fainted away, and we took her to her room. It was the most cruel thing that ever I saw, but we could not do anything. And then I saw a lieutenant of the police come up on horseback; he took no notice of the crowd or of the sailor that was lying there; but he continued on down the street. In the course of four or five minutes more, some policemen came along, and they got a team and took and put him in to it, and carried him off, I suppose, to the police station.

Q. That was the "*Baltimore*" sailor who was knocked down?—A. Yes sir.

Q. What was the condition of these men, members of the crew of the "*Baltimore*" to whom you have referred in your testimony, as to sobriety?—A. So far as I know, and what I saw during the afternoon, they all appeared to be sober. They had evidently come ashore to enjoy themselves, and were enjoying themselves. Some of them were rid-

ing horse-back; some driving in carriages; and some walking about the streets.

Q. I am referring to these three men whom you saw followed by the mob?—A. They could not have been drunk, the way they were running for their lives; because if they had been drunk they could not have run so.

Q. About how many other members of the crew of the "Baltimore" did you see on shore there that day, during the afternoon?—A. I saw probably twenty.

Q. What was the condition, as to sobriety, of those that you did see?—A. All that I saw appeared to be enjoying themselves, the same as any person would.

Q. Did you notice any acts of this order on the part of any of them?—A. No, sir. There were five or six Americans and English people in the hotel, and none of us thought it prudent to go out on the street that night to go to the theater. There were some five or six people staying in the house who belonged to the theatrical troupe. I was going myself to the theater that evening. I had a ticket for the theater, but I didn't think it was prudent to go out; neither did any of the rest—there were so many people in the street creating disorders, and especially in that section of the city. There were no horse cars running at the time, and they did not commence to run until after nine o'clock that night.

Q. Were all these sailors from the Baltimore to whom you refer in uniform at the time you saw them?—A. Yes, sir.

(Signed)

WM. H. JENKINS.

UNITED STATES OF AMERICA,

State and Northern District of California. ss.

I, James S. Manley, a Commissioner of the Circuit Court of the United States for the Northern District of California, do hereby further certify that William H. Jenkins, the witness who subscribed the foregoing deposition was by me duly sworn; that said deposition was taken on the 18th day of January, A. D. 1892, at the Appraiser's Building at San Francisco, California, that said deposition was taken down in shorthand by stenographers employed for that purpose, and afterwards by them reduced to type-writing, and read over to the witness, and by him declared to be correct, and by him subscribed in my presence.

In Witness Whereof, I have hereunto set my hand this 18th day of January, A. D. 1892.

(Signed)

J. S. MANLEY

*Commissioner, United States Circuit Court,
Northern District of California.*

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EVIDENCE
OF THE
OFFICERS AND CREW OF THE STEAMER KEWEENAW
RESPECTING
THE ILL TREATMENT OF PATRICK SHIELDS BY
THE CHILEAN POLICE,
TAKEN UNDER THE DIRECTION OF
THE ATTORNEY-GENERAL.

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CITY AND COUNTY OF SAN FRANCISCO,
State of California:

Be it remembered, that pursuant to the request of Charles A. Garter, Esq., United States Attorney for the Northern District of California, in the City and County of San Francisco, State of California, on December 24th, 1891, December 26th, 1891, December 27th, 1891, and December 28th, 1891, before me, Clement Bennett, a Notary Public, in and for said City and County of San Francisco, duly appointed and commissioned to administer oaths &c., personally appeared Patrick Shields, Andrew McKinstry, William H. Jenkins, Arthur E. Jerome, Frederick Baxter, Herbert R. Sprague, John Campbell, Bernard Flanagan, Michael Malia, Charles R. Malcom, Abel Blaisdell, William S. Alexander, Charles A. Wheeler, and Pedro M. Wessel, witnesses who appeared then and there to depose and testify, in the matter of the investigation as to the injuries received by Patrick Shields, fireman on board the American ship "Keweenaw", while in Valparaiso, Chile who, being first by me duly sworn, were then and there examined and interrogated by Charles A. Garter, Esq., as United States Attorney, and did depose and testify, as follows, to-wit; as appears by the following several depositions:

SAN FRANCISCO, *December 24, 1891.*

Deposition of PATRICK SHIELDS, taken before Clement Bennett, notary public, on board the "Keweenaw."

By United States Attorney GARTER.—Q. Give your full name?—
A. Patrick Shields.

Q. What is your age?—A. Thirty years of age.

Q. What is your nativity?—A. I was born in Ireland.

Q. Are you a citizen of the United States?—A. I have been sixteen years in the United States.

Q. And you are a naturalized citizen?—A. No sir, I have not got my papers out.

Q. Did you ever declare your intention to become a citizen?—A. No sir.

Q. But you have been in the United States all the time?—A. Yes sir, all the time from one port to another.

Q. What is your occupation?—A. I am a fireman.

Q. On board of a steamship?—A. Yes sir.

Q. What steamship are you connected with?—A. The "Keweenaw."

Q. A. you a member of the crew?—A. Yes sir.

A. A fireman on this steamship?—A. Yes sir.

Q. How long have you been acting in that capacity?—A. Five months and seven days.

Q. Who is the captain?—A. Captain W. H. Jenkins.

Q. When did you ship on board of her?—A. In Brooklyn, opposite New York.

Q. Do you know the other officers of the steamship?—A. The first officer is Charles Wheeler, the second officer is named Cole. The chief engineer is William Malcolm.

Q. When did you ship in New York?—A. Five months and seven days ago.

Q. What voyage did the steamship make then?—A. We left New York and came to Newport News and took in coal.

Q. Then where did you go?—A. We proceeded then to Rio de Janeiro.

Q. Where did you go then?—A. Went from there to Valparaiso.

Q. When did you get to Valparaiso?—A. The 28th day of September.

Q. That is Valparaiso in Chili?—A. Yes sir.

Q. State whether or not you had any difficulty there with the authorities, and state the circumstances.—A. I had no difficulty with any one. I never said a word to any one, good or bad, except in a barber's shop I was getting shaved, and paid him, and went out.

Q. State everything that happened to you when you went on shore. What time did you leave the ship to go ashore?—A. About six or half-past six, on the 24th of October, I left the ship to go ashore.

Q. Now, then, from that time on, state what happened to you.—A. I walked about half a mile up the town. I could not say what way, as I never was in Valparaiso before. I went into a barber shop, got shaved, and had my hair cut.

Q. Do you remember the man's name who owned the shop?—A. No sir, I walked about the town until about eleven o'clock. The man who was along with me was stopping ashore all night, and I was coming on board the ship.

Q. Had he been with you all the time?—A. All the time until about eleven o'clock.

Q. Did he go to the barber's shop with you?—A. Yes sir, he got shaved and his hair cut too. We was until nine o'clock at the barber's shop, and there was a crowd inside getting shaved, and we had to wait our turn. We walked about until about eleven o'clock. He was stopping ashore and I was coming on board the ship.

Q. Do you know his name?—A. Andrew McKinstry. He is on board the ship now. So on my way down to where I could get a boat two policemen stopped me on the street and spoke something. I did not understand Chilean. I learned afterwards that they asked me for money, and they took me and locked me up.

Q. Did they inform you what they locked you up for?—A. No sir. I believe it was money they asked me for.

Q. What makes you think that?—A. Some one told me so since.

Q. Who told you so?—A. McKinstry. They asked him for money on the next day. That is the reason I think so.

Q. Was he with you then?—A. No sir.

Q. You had left him at that time?—A. Yes sir.

Q. Where did you leave him?—A. A little piece from the barber shop.

Q. He was going to stay ashore that night?—A. Yes sir, and I was coming aboard.

Q. You went to look for a boat?—A. Yes sir, I was coming to the wharf to get a boat.

Q. The "Keweenaw" was lying out in the stream?—A. She was lying in the dry-dock.

Q. They arrested you?—A. Yes sir.

Q. Put you in jail?—A. Put me in jail.

Q. What time was this?—A. About eleven o'clock at night.

Q. Had you been drinking any?—A. All I had was two small bottles of beer.

Q. What time was it when they put you in jail?—A. I dare say it would be about quarter past eleven when they had me down in jail. It must be about eleven o'clock when they arrested me on the street.

Q. Did any one inform you in jail what you were put in jail for?—A. No sir.

Q. How did they use you when they took you to jail?—A. They did not interfere with me at all.

Q. How far was the jail from where you were arrested?—A. About a quarter or half a mile, about that distance.

Q. Did you walk?—A. Yes sir.

Q. How many officers?—A. Two.

Q. Do you know their names?—A. No sir.

Q. Were they dressed in uniform?—A. Yes sir.

Q. Did they talk to you at all on your way to the jail?—A. They were talking some time, but I could not understand what they were saying.

Q. Did they misuse you?—A. No sir, not coming down at all.

Q. What happened after you got to the jail?—A. I was kept there all night. About five o'clock in the morning I was locked in along with ten or twelve parties in the cell.

Q. In the same cell?—A. Yes sir. Two got up about five o'clock, and had a look at me. I had a new cap the same as this. They took it off and kicked it about the place, and then they put it in their clothes.

Q. Hid it in their own clothing?—A. Yes sir.

Q. That was your cap?—A. Yes sir, the same as this one, only a new one. When I was going out at the gate an officer could speak English.

Q. What do you mean by going out at the gate?—A. Going out altogether. They let me out of the gate at nine o'clock.

Q. Out of the gate entirely?—A. Yes sir.

Q. Who were these parties who hid your cap?—A. Prisoners.

Q. Not an officer at all?—A. No sir, I pointed out to the officer at the gate, who could speak English, the two men who kicked my cap and had it.

Q. Did you make complaints to the officer?—A. Yes sir.

Q. Before that?—A. No sir, no one was there. I did not see any officer before that. He only laughed at me and told me to go out.

Q. And he let you out of the jail?—A. Yes sir.

Q. Were you tried for anything?—A. No sir, nothing at all.

Q. When you were going out you say you found an officer there who could talk English?—A. Yes sir.

Q. You pointed out the man who kicked your hat?—A. Yes sir, and who had it.

Q. He laughed at you?—A. Yes sir, and told me to go away.

Q. He told you to go away from the jail?—A. Yes sir.

Q. Did you go?—A. Yes sir, I walked out to find a hat shop to get a cap. I dare say I walked half a mile looking for a hat shop.

Q. Did you know that officer's name at all?—A. No sir.

Q. He was an officer in uniform?—A. Yes sir, he had a long sword on him, down to his heels, and braid across his coat.

Q. He had charge of the gate?—A. He appeared to be in charge of the gate.

Q. He let you out?—A. Yes sir. He gave me four dollars. He was the man who took the four dollars out of my pocket at night, and gave it to me when I went out the next morning.

Q. You were taken to jail Saturday night?—A. Yes sir.

Q. And let out on Sunday morning about nine o'clock?—A. Yes sir, about nine o'clock.

Q. After you got out what happened?—A. I walked about looking for a hat shop, I dare say about half a mile, one street and another; before I could get a hat I was taken back again.

Q. By whom?—A. By a policeman.

Q. A man in uniform?—A. Yes sir.

Q. Were you told what you were arrested for?—A. No sir.

Q. Did the policeman talk English?—A. No sir, he could not talk English.

Q. You could not understand what he said?—A. No sir.

Q. State what happened to you when you were taken?—A. I dare say that was about half past nine or ten o'clock when I was taken back. I was kept there until Monday morning, and turned out on the street on Monday morning at daylight.

Q. Did they take your money away from you again?—A. No sir, they never searched me, or put my name down, only put me in.

Q. They did not take any registration of your name?—A. No sir.

Q. Was any register of your name made either time?—A. The first time, on Saturday night, I believe there was.

Q. On the second time, on Sunday, there was not?—A. No sir.

Q. Put in jail again then?—A. Yes sir.

Q. What happened then?—A. I was taken out Monday morning.

Q. After you were arrested and taken back there, put in jail on Sunday, you say you were kept there until Monday morning?—A. Yes sir.

Q. What happened during that time to you?—A. Nothing at all happened, only I was locked up there along with some other prisoners.

Q. The same prisoners that were in there when you were up there before?—A. No sir, I think they were different—I think some were the same, and some not. They were coming in at all times.

Q. They treated you all right the second time you were in?—A. Yes sir.

Q. Did you get plenty to eat?—A. No sir, nothing at all—beans about that length, an inch long, with a small bit of bread.

Q. Any other Americans in jail there with you?—A. One.

Q. Do you know what he was put in there for?—A. Something connected with his ship. He left the ship, something like that. He was not walking outside the same as I was.

Q. Now, go on and state what happened to you while you were in there?—A. On Monday morning I was put out on the streets to sweep the streets from daylight until five o'clock in the evening, and if I stood up for half a minute I would get a kick or a bat of the broom.

Q. From whom?—A. From the officer in charge. There were two or three officers in charge of the crowd. Standing over us.

Q. There was a gang of prisoners that were at work?—A. Yes, sir.

Q. In charge of officers of the jail?—A. Yes, sir.

Q. Two or three officers?—A. Yes, sir. Some of them were in uniform, and some in plain clothes. They were all policemen. That was on Monday. On Tuesday the same. I was locked up about half-past 5 until daylight the next morning and then turned out to work, sweeping the streets, grinding corn, and cleaning up horses. There were about two hundred horses in the yard, and I had to clean them after we had done sweeping the streets, and then we had to clean up the yard, and throw water over the horses, take them round about, and grind corn, and carry hay. I had to carry water to the horses, and hay and oats.

Q. Who did these horses belong to?—A. The Government.

Q. The Chilean Government?—A. Yes, sir; the soldiers' and policemen's officers.

Q. That was on Tuesday?—A. Yes, sir.

Q. Were you abused in any way personally on your person during this time?—A. Not in the prison. All outside on the streets and in the shed.

Q. Any serious injury done to your body?—A. I was beat from the back of the head down the back. I was as black as your hat. All my back when I came on board after nine days, and a cut on my head.

Q. This was kept up for nine days?—A. From Saturday evening until Monday evening. All but Sunday and Monday. Seven days it was kept up, and I came out on Monday, and they did not interfere with me on Sunday and Monday.

Q. What was this beating done with?—A. A long broom, that length.

Q. A broomstick?—A. A broomstick about that length, and a broom that length at the end of it.

Q. A street broom?—A. Yes sir. There is a cut from it there, and there is another here. (Pointing to both temples.)

Q. How many times were you struck with this?—A. Different times.

Q. How many times altogether?—A. Perhaps five or six times a day; on the head and on the back. If I was going to stand up in the yard for half a minute I was knocked down.

Q. Were you knocked down at all?—A. I was knocked down different times.

Q. Frequently?—A. Yes, sir.

Q. With this stick?—A. With this stick, and the broom, too.

Q. By the officers in charge?—A. Yes, sir. No, one else interfered.

Q. What excuse did they give for doing this?—A. Nothing at all; only because I was an American.

Q. This is an American vessel that you are on?—A. Yes, sir. She hails from New York. I believe the owner's name is Jerome. He is aboard her now.

Q. You say they bruised your body?—A. All around my kidneys. From the back of my head down my back. I was not fit to lift my hand or arms, or turn over in my bed. When I came aboard I was all black from my waist to the back of my head.

Q. Did they give any excuse for treating you in this way?—A. No, sir.

Q. Did they complain about your not working?—A. No, sir; I worked all the time.

Q. Did they treat the other prisoners in the same manner?—A. No, sir; they were natives, only myself, except this man McKinstry, on Monday.

Q. He was not in jail, was he?—A. On Monday he was.

Q. Was he put in on Monday?—A. On Sunday.

Q. The same time as you were?—A. No, sir; I did not see him until Monday. He came in on Sunday.

Q. When was he put out?—A. He was put out Monday, about 12 o'clock.

Q. They did not put him back again?—A. He run away when he see the way I was beaten with a broom.

Q. Could you understand anything that was being said by the other prisoners and the officers?—A. No, sir; I could not understand it at all. I could not speak the language at all. I did not understand it.

Q. You did not understand a word that was said to you during all the time you were in there?—A. Not a word in English.

Q. Who spoke English?—A. Only the officer. Some officer came to the door, would speak a little English, and if you went to ask him he would not speak any English at all.

Q. You say they did not treat any other prisoner in this way but you?—A. No, sir; they were all natives but me.

Q. They did not treat any of them, except you, in that way?—A. No; none at all.

Q. Did they make the natives work?—A. Yes, sir; but they get away in the evening at 5 o'clock.

Q. Was any charge preferred against you?—A. None at all.

Q. Was there any trial or examination before any magistrate or commissioner?—A. No sir, none at all.

Q. How did they happen to turn you out of jail?—A. There was a man belonging to the ship came up to the prison and paid an interpreter a dollar or two to go and ask if I was there in the prison. The Interpreter went and asked this officer, who spoke English, at the door if I was inside, and they denied all about it.

Q. They denied that you were there?—A. Yes sir.

Q. Do you know the man who came from the ship?—A. Yes sir.

Q. Who was that?—A. Bernard Flannigan.

Q. Is he a member of this crew?—A. Yes sir, he is on board now.

Q. You say they denied all about it?—A. Yes sir. But he came there on the Monday next.

Q. Can you commence from the first time when actual violence was used towards you, and detail each occasion, and the circumstances thereof upon which violence was used during the time that you remained in custody?—A. Yes sir, I can.

Q. Now, go ahead and do so.—A. The first violence that was used on me was on the 26th of October, on Monday. On the 24th I went ashore, that was Saturday. Sunday was the 25th, and Monday was the 26th. After sweeping the streets and knocking about the yard cleaning horses, and the stable, I was abused when I was grinding corn; that was on Monday. I was abused and beaten and treated very badly. That was in the forenoon, before twelve o'clock. McKinstry was present at the time until twelve o'clock. He went away after twelve on Monday, and knows nothing more about me after that.

Q. What was done?—A. I was abused and knocked about with a stick and brooms and everything.

Q. By the jailer?—A. There was no jailer there; by policemen and soldiers knocking me about.

Q. Were you knocked down on that occasion?—A. I was knocked down two or three times on that occasion.

Q. On the 26th?—A. Yes sir, I was knocked down twice.

Q. That was in the corral where the horses were?—A. In a little

piece off from where the horses were. There was a little square outside where I was abused also.

Q. You were knocked down at that time?—A. Yes sir.

Q. When was the next time?—A. The next time was Tuesday morning. I was abused up and down the yard, and out in the streets, and around the shed. I was beaten all the time. As soon as I stood up for a quarter of a minute I was hit with a broom round the head, or where they could get at me. When I stopped to rest or take a breath, I was hit with something. I either got a kick, or a bat with a broom.

Q. Did the officers pay particular attention to you?—A. Certainly; the others were all Chileans, and they did not pay any attention to them. There were two Germans and one American, and me, inside, but the American was in for something else—for leaving his ship, I think. He was not on the streets working.

Q. Did the Germans have to work?—A. No sir, the three were from one ship. I don't know what they were in for. It was the Captain who put them in there.

Q. Were they all treated in this way?—A. No sir; they were not out working at all. They only had to stop in the cell.

Q. Now proceed and mention any other times when they assaulted you?—A. The first Tuesday evening about half past five o'clock I was let out, and I walked down to the dock where all the little boats are. I could not get a boat because I had no money, and the Consul's office was closed.

Q. What had become of your money?—A. It was all gone. All I had was four dollars, and I gave some money inside to different chaps to do this and that, to get me a box of cigarettes. Some of them kept the money altogether. When I saw I could not get aboard my ship, I went up and slept on a high rock a long way from the town, a mile or two miles. The Consul's office was closed and I had no place to go to. I had no money, and I was destitute. If I had stopped on the streets, I should have been taken back, and perhaps killed inside.

Q. Was this outside of the town, where you went to?—A. Yes sir, just up on the bare rocks.

Q. Did you try to find the Consul that night?—A. That was the first thing I tried to do, but I could not find where he was stopping. I made inquiries of a man on the street named Murphy, or something like that. He could speak English, and he pointed out the direction of the Consul's office, and I went down there; and when I saw the eagle flying over the window like, then I knew where I was.

Q. What time of day was it that you went to the Consul's office?—A. I got out about six o'clock in the evening, and before I was down there it might be a quarter to seven, or half past six. It was not very far from the prison. I went down and made inquiries, but when I could not find where his private place of residence was, I cleared away.

Q. Then you went off and slept on this rock?—A. Yes sir, I got there before it got dark. I knew if I stopped about the streets I would be taken right back again.

Q. When they turned you out of the prison was anything said to you?—A. No sir.

Q. How did they happen to let you out that night?—A. They let me out and told me to go away. They said nothing at all. There were three prisoners called up along with me, and they said, "Go away." That was what I could make of it, "Go away." It might have been something else.

Q. Up to that time had they said anything about your being an

American?—A. Oh, yes, at different times. They often said to me, "Are you American?" Some of them could speak a little English. Perhaps a couple of words like. I said, "Yes."

Q. You could understand enough of their language to know that they referred to your being an American?—A. I could understand a little, but I might be wrong.

Q. Were these remarks about your being an American made by the officers or fellow prisoners?—A. One man came up once and put a sword against my breast, and he said, "You American green grocers." Something like that. "You American" something. "Me stick this sword through you," and he put it up against me.

Q. Was he a police officer or a prisoner?—A. I don't know what he was. He had a long sword on. He had no braid on his breast the same as the officers had. He came up to me two or three times and put his sword to my breast. I could not tell what he said, but a fellow, a Maltese, explained it to me.

Q. You do not know why they let you out on that Tuesday night?—A. No sir.

Q. On Wednesday morning what happened?—A. I stopped all night Tuesday on the rock, and on Wednesday I came down about half past five or six o'clock to the town. Before I got two lengths of this room on the first street I was taken by a policeman and locked up again.

Q. Did he tell you what he arrested you for?—A. No sir, he could not speak a word of English.

Q. Did he talk to you at all?—A. No, sir; he said something after he put his hand on me but I could not tell what he said.

Q. Were you put back in the same prison?—A. Yes sir.

Q. Did they make any charge against you then?—A. Not the slightest.

Q. What was done to you after you were put in there on Wednesday morning?—A. About five minutes after I was put in I was turned out to work on the streets.

Q. Just as you had been before?—A. Yes sir.

Q. To do the same kind of work?—A. Yes sir; about five minutes after I was put in prison.

Q. Did they have the same officers in charge that they had before?—A. I could not say. There were a lot of officers there, and a lot of policemen, to look after these things. I could not identify one officer from another, there was such a lot of them, and I suppose they changed them. The only one I know was a big fat fellow.

Q. Did he say anything to you?—A. No, sir, he was very quiet and civil. I asked him a couple of times for a drink of water, and he told me where to get it. He was the only man that did. If you asked for a drink from the rest they would give you a kick.

Q. Were you assaulted or beaten on Wednesday at all?—A. Yes sir; badly. That was the day I was beaten so that I will remember it all the days of my life.

Q. How did you receive those wounds on your head?—A. I received them on Wednesday.

Q. State the circumstances under which they were received by you?—A. I worked away until twelve o'clock cleaning horses, carrying hay, and cleaning sheds. About twelve o'clock on Wednesday I saw a couple of natives go away, and I thought I would get away myself. I thought I would follow them, but as soon as the policemen saw me go away they followed me and took me back. I got away about a quarter or half a mile, and they beat me back from there to the prison.

Q. That is, while they were taking you back, they were beating you

all the way back?—A. There was one officer, and one man in charge of the horses, a Farrier, one on each side of me, beating me all the way back. The Farrier was employed by the Government to look after the horses.

Q. What was this beating at this time done with?—A. The Farrier had a bar of iron about three feet long, and the officer had a stick about three feet long with some leather on the end of it, to hold it up on his arm, and they beat me back to the prison.

Q. Where these wounds that you received on your head, where the scars now show, received by the beating you got at that time?—A. Yes, sir.

Q. Were either of those wounds made by the bar of iron?—A. This one was made by one of those weighty brooms. It was slit open there. This one on the right side was done the same.

Q. Which one of those, the officer or Farrier, had the broom?—A. The man in charge of the horses had the bar of iron. He did not hit me.

Q. Who had the broom?—A. The man who was along with him had a long stick about that length (illustrating), and then when I came into the yard another policeman had a broom and he did this damage to me. The man who had the bar of iron did not hit me, but he told me if I made a move he would split my head open with it. The other officer who was along with him, beat me all the time from my head to my back with the stick he had.

Q. Was it a sort of policeman's club?—A. Yes, sir; but not shaped in the same way. It was longer than a policeman's club, and had leather on it.

Q. After they got you back into the yard there was a police man who had this broom, and he hit you after you got there with that? A. After they got me into the yard the other policeman pulled me round and beat me with this stick with the leather until I was quite stupid. I stood there for a couple of minutes. I got a drink of water. They started me to work again. One policeman with side whiskers came up and hit me two bats on the head with a long broom. He knocked me down, and knocked me quite stupid, and then he came up again and hit me in the back of the head, and on the back near my kidneys. After that I don't know anything at all. About an hour after that I was picked up and carried over to a place to rest. After I came to myself I looked round and see a young fellow standing alongside, and I asked him to get me a drink. He got it me. I came to my senses, and I got up and heaved off a lot of blood. I suppose about a quart of blood. It was running out of my nose and ears. I heaved up a quart of thick blood out of my body. They wanted me to go and carry hay then. I couldn't do that. I was not fit to move. I did not know anything at all. I couldn't tell my own name at the time. Then they put me to work to scour bridle bits for the horses. There are over 200 horses. They put me to scour them sitting down. I scoured them on up to five o'clock. Then I was let in about half past five, and was kept there until Saturday, and treated all the same. If I stood up for half a minute I was hit.

Q. This occurred on Wednesday?—A. Yes sir.

Q. From that time on to Saturday you were taken out into the yard? A. I was taken out into the yard every morning at sunrise. First sweeping the streets. About twenty streets, and then to the stable yard. It was on Thursday that I got these wounds on my head.

Q. How did you get those wounds? A. In grinding corn there is a kind of a wheel you turn away for hours and hours. You might turn

the whole day, and no one would come to relieve you. There were forty or fifty prisoners in there. I was five or six hours at this wheel grinding corn, making cornmeal for the horses, splitting the corn. I asked the man who was in charge to send some other man there for a little bit so that I could get a drink of water, and he hauled off and hit me, and said, "No, no, you stop there." He did not say it in English, but I understood him that way. He knocked me down. I got nine or ten bats on the back of my head.

Q. What was this done with? A. With a long handled broom. He knocked me down with that. I got two cuts. One here and the other there. (Pointing to each temple.)

Q. That was the way you got those scars on your head? A. Yes, sir.

Q. That was on Thursday? A. Yes sir, and I was treated all the same up to Saturday.

Q. It was a repetition of the same thing from that time up to Saturday? A. Yes, sir. On the Thursday I had to go out in the town and carry an iron bedstead for about three or four miles.

Q. What for? A. I don't know what for.

Q. They made you do that? A. Yes, sir.

Q. They made you go out in the city and carry a bedstead?—A. Yes, sir; on my shoulder. I had to lay down a hundred times before I got to my destination. I was not fit to carry it. I dare say it was about a hundred and fifty pounds weight, and it was sharp, and I had it on my shoulder.

Q. It was on account of weakness that you had to lay it down?—A. Yes, sir; on account of being abused and beaten inside.

Q. Was that after you received these wounds?—A. Certainly, and after I had received bats on the back of my head, and all the way down. After that I was beaten all the time. In fact I could not tell you when I was beaten, and when I was not, because I was beaten all the time I was in there except the last two days. I was as silly as a child. I was beaten up to about three o'clock on Saturday evening. They made me carry firewood through the town also.

Q. Do you know why they did not beat you on Sunday and on Monday?—A. I think it was to let my scars get a bit well, to let me out, but I don't know. They put me in a different prison on Sunday and Monday. I was working on Saturday, and when I stopped work, they put me in a different prison altogether. I had nothing to do on Sunday or on Monday, until I was let out on Monday. There were two hundred prisoners in the prison who were tried, and I asked to be tried. I see them going before the Magistrate, and I wanted to go in, but they always shoved me back in a most cruel way.

Q. They never would give you any trial?—A. No, sir; they never took my name at all, only the first Saturday night.

Q. Did you ever hear what they accused you of?—A. No, sir; they never accused me of anything. They could not. I never did anything at all.

Q. How did they feed you while you were there?—A. Only with beans twice a day, and a little bit of bread.

Q. Did you eat with the other prisoners?—A. Yes; if not you would go without.

Q. Did they give you the same as they gave the other prisoners?—A. Just the same. I never eat anything, only twice, from the time I went in until I came out. If I got it I could not eat it. It was only those

long beans boiled in water. I had to eat them twice when I could not get anything else.

Q. How many times did you try to get them to take you before the magistrate?—A. Only once; I suppose a hundred times I wanted to go and see the consul.

Q. Did you ask to go and see the consul?—A. Yes, sir; more than a hundred times, but they would only laugh at me and point a sword at me.

Q. Did they give you any chance to see a lawyer?—A. No, sir; you could get leave to see nobody.

Q. What sort of a place did you sleep in?—A. A place about a foot from the ground, made of stones and cement.

Q. Was there any bedding on it?—A. No, sir; all the natives had bedding, but I had none myself.

Q. Did you work on Sunday and Monday?—A. No sir.

Q. They did not ask you to?—A. No sir.

Q. Did any of the prisoners work on Sunday and Monday?—A. No sir, none in the prison that I was in. This was a different prison. They were all tried on Monday.

Q. Did you try to have a hearing at that time?—A. Yes sir, I went to the door at different times to try and get a hearing, but I was always taken back by an officer or policeman and shoved into the cell again.

Q. This place, where the magistrate was, was that close to the prison where you were?—A. Yes sir, it was the next room.

Q. Did you try to go where the magistrate was?—A. Two or three times when I was outside, when the prisoners were called in by their names I wanted to go in, because I thought some of the judges or magistrates could speak English, but I was always refused and sent back. I was the last one out of about two hundred, and then I was taken out and got leave to stand with the rest. Then when they saw I was not called at all the man who had the list in his hand could not see my name on it at all. He asked me a couple of times what my name was in his own language. I could not understand what he said, but I knew the way he was looking down his list he was asking for my name, but my name was not on it. About that time one of my shipmates came up to the prison, and gave a dollar or two to some man outside who could interpret. He came to the prison and asked for me, and they refused to give him any information. He went away, and he was satisfied I was not in the prison at all. About five o'clock I was let out of that prison into another, and about six o'clock I was let out altogether. This officer who could speak English asked me what I was in for. I said nothing at all. Then he said, "You go away."

Q. That was six o'clock on Monday night?—A. Yes, sir. When I was going away I said, "I beg your pardon, you can speak good English. He said, "yes." I said, "A hundred times I have asked to see the American Consul, or to send a note from here, and I was always refused, how is that?" He said, "I don't know anything at all about it, go away." I said, "I am going to walk up to him now." He said, "Go away, go away." When I see he was so determined I walked away straight, and that was the reason that I went up and stayed on the hill a second time. I was afraid I would be arrested again and taken back, and I wanted to see the American Consul.

Q. What was your condition when you left the prison that Monday night?—A. I was hardly able to get on my feet, and walk as far as that chair. I was not fit to do work for over three weeks afterwards. I was black from the back of my head down to my kidneys, and I was

abused around the body, and from the hunger and starvation that I got inside, and the beating and everything, I was as silly as a kid two months old. I did not know my own name hardly when I went on board the ship.

Q. Can you recollect about finding the Consul?—A. Yes, sir; I recollect that. That was the only thing I wanted to do.

Q. When did you find the Consul?—A. On the Tuesday morning I found the Consul. When I left the rock I went to his office, and stayed there until he got there. I was there about six or seven o'clock. I had no watch, and did not know the exact time.

Q. What was the Consul's name?—A. I think it was Barry or Parry.

Q. Now, go on and state what you did when you found the Consul, and what he did?—A. As soon as his office was opened I told him my case, and he ordered me aboard. When I was telling him my statement one of the engineers came from my ship, and the Consul gave him one or two letters to take aboard, one for the doctor of the *Baltimore* to attend to me.

Q. That was the United States war ship that was there at that time?—A. Yes, sir. He attended to me all the time until I left.

Q. Was that all that the Consul did?—A. No, sir.

Q. What did you do that day. Did you tell him what had happened to you?—A. Yes, sir; I told him my story, and he sent me aboard with the engineer. I stopped aboard that day. The next day the doctor of the *Baltimore* came to see me—no, he came that day to see me.

Q. Do you remember the doctor's name?—A. I think it is Smith. He came to see me that day, and the next day he came again.

Q. I understand after you told the consul your story he made arrangements for the doctor of the *Baltimore* to attend you, and then you went back onto your steamship with the engineer?—A. Yes, sir.

Q. Was it the Chief Engineer?—A. No, sir; it was the Third Engineer.

Q. Do you know what his name was?—A. Yes, sir; Jerome.

Q. Is Jerome the name of the Third Engineer of your ship?—A. Yes, sir; and he is part owner. His cousin is owner of her.

Q. He is the cousin of the owner of the ship?—A. Yes, sir.

Q. Did the Consul say he would attend to your case or anything of that kind?—A. No, sir; he told me nothing.

Q. What did you go to see the Consul for?—A. To tell him my case and go and get protection from him and get aboard my ship; to see what could be done.

Q. You do not recollect what the Consul did say except that?—A. He did not say very much; there were a lot of men there.

Q. The doctor of the *Baltimore* did come and attend to you?—A. The Consul told me to go aboard my ship and that the doctor of the *Baltimore* would attend me, and he would come and see me.

Q. The consul said he would come and see you on the steamship?—A. Yes sir.

Q. Did the Doctor come and see you that same day?—A. Yes sir, right away.

Q. That was Tuesday?—A. Yes sir.

Q. How long did he attend to you?—A. He attended me as long as I was there.

Q. State what you know about what the consul did about your case?—A. The Doctor attended me on Tuesday, and they came aboard the next day and took me ashore.

Q. Who did?—A. The Doctor came aboard and saw me, and said for

me to try and manage my way to the gangway—something like that—that the steam launch was there to take me away, and I went ashore.

Q. Where did you go?—A. I went to the consul's office and went to the Commandante—the head man of the Police. I don't know what his name was.

Q. Did the Consul go with you?—A. Yes sir, and Captain Jenkins and a lot of gentlemen. They set me down on a sofa, and they went into his room, and told him what had happened.

Q. That is the head officer of the Chilean Police?—A. Yes sir, and they asked him to come out and look at my wounds, but he would not come out and look at me.

Q. Was not that Judge Foster, the judge of the criminal court?—A. I don't know anything at all about him.

Q. Could he talk English?—A. I never seen him so I don't know. He would not come out and see me at all. He told the Consul that he would not come and see me.

Q. You were informed that he said he would not come out?—A. I was sitting like on that sofa (pointing), and here was his room. They put me down there to strip off, to let him see my wounds.

Q. Did you strip off?—A. Yes sir. The Consul came out and said to me, "Shields, he is afraid to come out; he wants to see you in a week or two, when all your wounds are healed up, but he will not see you then." Then the Consul took me away.

Q. Where did he take you?—A. He took me down to his office, and then I went down on board my ship.

Q. Did you make any statement of this matter to any officer at Valparaiso?—A. Yes sir, there was one Doctor came on board and examined me, a Doctor of the Chilean Government.

Q. How many days was that after you were let out of jail?—A. He came for about five minutes three or four days afterwards. He got scared when he saw the wounds on my back, and cleared away. He said it was a bad case, I believe.

Q. Who was present at that time?—A. Some of the crew forward who understand a little bit of Chilean language.

Q. Did any other Chileans come off with him?—A. Yes sir, two or three.

Q. Did the American Consul come with him?—A. No sir, he gave orders that no Chilean should come on board at all to examine except in his presence, and then there was another time when two more came aboard.

Q. Doctors?—A. No sir. I do not know what they were. They were Reporters I think. They wanted to know the whole case.

Q. Did the consul come with them at all?—A. No sir, the Consul never came with them. After this Chief of the Police refused to come and see me, the Consul told him in my presence, I would never be let ashore again. He said "If you are not good enough to come out and see this man now you will never see him again." I could hear him say it inside, and he came out and told me the same.

Q. Did you make any statement of this affair, which was reduced to writing and signed by you, to any one while you were down there?—A. No sir, only to one man who came aboard when I was lying ill in bed, and he took a little about it. He said to me, "Do you want to write a book about it?" I said, no, I wanted to state the facts. I said, "I will tell you no more about it, if you want to know anything more go to the American Consul, and he will tell you all about it." Then he wanted me to sign my name to it, and I did not.

Q. Do you know what that man's name was?—A. No sir. All he told me was he wanted to get prisoners or something like that. I said, "Then you go to the Police Station."

Q. Do you know that man's name?—A. No sir.

Q. Did you ever hear it?—A. He had some old gray haired man with him, and as soon as he got a couple of lines he got the gray haired man to sign his name to it.

Q. Did you make a statement of these facts to the Consul in writing?—A. Yes sir.

Q. Who took that down?—A. After all was over the Consul went up to the Chilean Minister and told them all, and investigated the whole thing up there.

Q. Did you make a statement in writing signed by yourself to the Consul?—A. I made a statement in writing to him.

Q. When?—A. After it happened. After I went on board.

Q. After you went on board the ship?—A. Yes sir, he came on board and took it himself.

Q. Did he reduce it to writing himself?—A. Yes sir. He stopped one night on board the ship to take it. He did not go on shore at all. He was that much interested to take it. It took a lot of sheets of foolscap. Then he went up to the Chilean Minister. I believe it was about this case. Then he sent a telegram down to the Vice-Consul to take my affidavit, and the Vice-Consul came down to take my affidavit.

Q. Did you sign the statement that you made to the Consul himself?—A. No sir.

Q. Did you swear to it?—A. No sir.

Q. Did you ever swear to any statement at all until to-day?—A. Yes, sir.

Q. Where was that?—A. I swore to the vice-consul's statement.

Q. Did you make a statement to the vice-consul?—A. I signed a statement a couple of days before I left there, what the captain or no one else knew anything at all about. I signed it in the fore-castle.

Q. Who wrote that second statement out that you are speaking about?—A. It is hard to say who wrote it; it might be the consul himself.

Q. Did he read it to you?—A. Yes, sir.

Q. Did it contain all these facts?—A. All it contained was on a sheet of foolscap. The consul says to me, "This is your claim for \$5,000."

Q. Damages against the Chilean Government—money for you?—A. He said, "This is your claim for \$5,000. It is to be forwarded to you to San Diego by the Chilean Government." I do not know who he said it was to be forwarded to for me.

Q. I understand you to say that the American consul at Valparaiso, that after taking your statement, visited the Chilean authorities with reference to your trouble?—A. Yes, sir.

Q. Do you know what they did about it, if anything?—A. I don't know what they did.

Q. Do you know whether any Chilean official or officer made any promise to indemnify you for your injuries, or to pay any damages to you?—A. No, sir.

Q. You do not know anything about that?—A. I don't know anything at all about that.

Q. Did you ever hear anything about it?—A. Nothing.

Q. I thought you said that the vice-consul or consul presented a claim for you to sign, and told you that the money to pay your claim

was to be forwarded to you to San Diego?—A. No, sir; I told you the consul did that.

Q. Did the consul tell you before you left that the Chilean officials would send money to you on account of your claim to San Diego?—A. Yes, sir.

Q. Is that all you know about it?—A. That is about all.

Q. Do you recollect the date that you left Valparaiso?—A. I recollect the date that I signed that paper. It was on the 22nd.

Q. You signed that claim on the 22nd?—A. It was about 6 o'clock in the evening when the consul came aboard, and there were a lot of passengers aft in the cabin. He took it forward to me in the forecabin for me to sign it, and read it to me. He told me in the presence of a man named John Campbell that the money would be forwarded to me in San Diego.

Q. Is John Campbell here?—A. Yes, sir; he is on board the ship now. Campbell says that the consul said when he came aboard, "This case is settled."

Q. The Consul said that?—A. Yes sir, "This case is settled." Then he called me aside and he said to me, "This is your claim for \$5,000; it is going to be forwarded to San Diego to you by the Chilean Government." Who to I don't know. He mentioned the names of the parties who he said it would be sent to, but I don't remember the names.

Q. Did you try to find out in San Diego?—A. No sir, we were only a few hours in San Diego.

Q. Did he give you the name in writing?—A. No sir, he had a half a sheet of foolscap with writing on it, and he told me to sign it. He had a Chilean man along with him, and he signed it. The three of us signed it, and the Consul took it away with him.

Q. You never have received a cent, have you?—A. No sir, I have never received anything.

Q. Did he read the paper to you that you signed?—A. Yes sir.

Q. Did he read it, or did he simply tell you what was in it?—A. He almost read it. I don't know if he did or not. I am not a very good reader myself. He read it, and this is what he said: "This is your claim, Shields, for \$5,000, you are going to receive it in San Diego from the Chilean Government. It is going to be forwarded by the Chilean Government." Who it is going to be forwarded to I don't know.

Q. Did you ask him?—A. I did not ask him the second time.

Q. Did he know the ship was going to touch at San Diego?—A. Certainly; we were leaving for there at the time.

Q. Was there more than one person present at that time besides that man Campbell?—A. Yes, sir; there was another little fellow. He was not paying any attention; he was studying some books.

Q. Did you see the American Consul again?—A. No, sir. That was Saturday evening at 6 o'clock. We were going away that evening, but we did not go until Monday. He did not come aboard after that. On Sunday morning the Chilean Government boat was alongside of us, and they had a sheet of foolscap paper, and they asked to see Patrick Shields, to take him ashore. I was very sick at the time, and I could not go ashore. I don't know what they wanted with me. I believe this sheet of foolscap was stamped.

Q. How do you know?—A. I did not see it. I only know what some of the parties who saw it told me.

Q. Who saw it?—A. Some of the sailors who were knocking about. I did not see it myself.

Q. How long is this steamship going to stay in port?—A. I dare say she will stop here about a fortnight.

Q. How old were you when you came to this country?—A. I am thirty years of age now. I have been about fifteen years and half or sixteen years in America altogether.

Q. You were not twenty-one years of age when you came?—A. No, sir.

Q. Did your parents live here?—A. No sir, my father was here in the States for a good while, and he had a bit of money and went back again.

Q. Was he in this country when you came?—A. No sir.

Q. Do you know if he was naturalized?—A. I dare say he was.

Q. Where did he live?—A. He lived in the north of Ireland.

Q. I mean when he was in this country?—A. He died when I was seven years old.

Q. Did he die in Ireland?—A. Yes sir.

Q. How long did he live in this country?—A. A long time.

Q. How many years?—A. I could not say how many years.

Q. Did he go back and live permanently in Ireland? Was he living there permanently when he died?—A. Yes sir.

Q. Did your mother ever live in this country?—A. No sir, never; except on a visit here to see the place.

Q. This steamship always carries the American flag?—A. She is a regular American ship. She carries nothing else. She belongs to New York.

Q. When you first left the ship that Saturday night did you get leave of the Captain?—A. I got twenty-fours leave through the Captain and the Chief Engineer.

Q. You were prevented from going back by being arrested?—A. Yes sir.

Q. Did you get back to the ship as soon as you could?—A. Yes sir.

Q. Have you stated all you know about this matter?—A. Yes sir.

His
PATRICK + SHIELDS.
mark.

Patrick Shields not being able to write made his mark and I at his request, and in his presence wrote his name thereto.

[L. S.]

CLEMENT BENNETT,
Notary Public.

SAN FRANCISCO, *December 24, 1891.*

Deposition of ANDREW MCKINSTRY taken before Clement Bennett, notary public, on board the "Keweenaw."

By United States Attorney GARTER:

Q. What is your name, age, residence and occupation?—A. My name is Andrew McKinstry; age, 29; residence, Paterson, New Jersey; occupation, fireman on board the "Keweenaw."

Q. How long have you been fireman on the "Keweenaw"?—A. A little over five months.

Q. Were you acting in that capacity on the 24th of October while she was lying in Chili, Valparaiso?—A. Yes sir.

Q. Do you know Patrick Shields?—A. Yes sir.

Q. Was he acting in the same capacity at that time, as fireman?—A. Yes sir, he was my mate on the fires.

Q. Do you know anything about the treatment of him by the Chilean

police or authorities at Valparaiso during the time that the "Keweenaw" was lying there?—A. Yes sir, on that Saturday night.

Q. State all you know about that matter?—A. On that Saturday night Shields and I went ashore together. We got \$10 each from the captain. We went ashore, and we went to a barber shop to get a shave and hair cut. I was the first man in the chair to get shaved and hair cut. Shields went outside, and when he came back again there were some more men inside, so he had to wait that much longer. When I got my hair cut I went outside to wait until Shields got his hair cut and shaved. When I came back again Shields was gone. I never saw him until Sunday when I was locked up. I was locked up about 7 o'clock Sunday.

Q. Where did you stay that night?—A. I was walking along the streets that night. I got a few glasses of beer on Sunday morning, nothing to do me any harm, but I fell across one of these policemen or soldiers. He had a sword by his side, and he asked me for "Poca plata". I understood that was a little money. I told him I had none. He said "You Engletarry?" I said, "No; me American." With that he drew his sword and struck me four or five times across the backside, but did not cut me. I run into a house for protection, and there was a Naval Officer there belonging to the Chilean Navy. He hit me with a club, and struck me across the head, so I got outside of there, and I was then arrested by the same policeman.

Q. Are you an American?—A. Yes sir.

Q. Where were you born?—A. I was born in Ireland, but I have been for the last ten years living in Paterson, New Jersey.

Q. Are you naturalized?—A. No sir. All my people are. I am a seafaring man. Sometimes I am on English ships, and some times I am on American ships.

Q. You never have been naturalized?—A. No sir.

Q. How long have your parents been living in this country?—A. Ten years.

Q. Were you of age when you came to this country?—A. I was about nineteen years of age.

Q. Were your parents naturalized?—A. All my sisters and brothers are. I don't know about my father and mother.

Q. You do not know whether your father was a naturalized citizen or not?—A. No sir, I don't know.

Q. Are they living?—A. Yes sir.

Q. All living in Paterson, New Jersey?—A. Yes sir.

Q. Do you know if your father ever voted there or not?—A. Yes sir, my father voted.

Q. He always voted there?—A. Yes sir.

Q. Did you vote?—A. No sir; they live at 319 Grant Street, Paterson, New Jersey.

Q. When that policeman arrested you what did he do to you?—A. I was taken to the police station and kept there until Monday morning. Monday morning about five o'clock, just daylight, we were put into a large yard with about two hundred horses, and we were started to sweep the yard up, and look after the horses. After we got the yard swept up, about an hour and a half's work, we were put to grind corn. Two men were put there. They ground a gallon measure, and then took a spell of waiting. Shields and I were put there, and when we had ground a gallon each, we thought we should have spell of waiting too.

Q. You met Shields there?—A. Yes sir, on that Sunday. On Mon-

day morning him and I were engaged together sweeping the yard up and grinding corn.

Q. Sunday morning you found Shields there?—A. Yes sir.

Q. Was Shields let out that day at all?—A. Shields was out, but was arrested on the same day again, I believe.

Q. What time did you meet him there on that Sunday morning?—A. About eleven or twelve o'clock.

Q. Was Shields there then?—A. He was then there when I went in on Sunday morning.

Q. Did he tell you when you got there that they had let him out and had put him in again?—A. Yes sir, he told me that.

Q. Now, proceed with your story?—A. On Monday morning we were engaged in sweeping the yard up, and afterwards ground the corn. When we had done a quantity of work we thought we should have a spell of waiting. Shields went outside and I followed. When we got outside there was one man there that I recognized to be one of the cargo men aboard our ship. He had been talking about our being Americans. The officer left the cargo man and came over to Shields and asked him if he did not care for no more work. He said that in Spanish. I can not remember rightly the answer that Shields gave him, but he lifted the broom and knocked Shields to the ground right forinst me. When he got up he was bleeding from the mouth and nose. He struck him the second time and knocked him down. I got in among the horses. I knew perfectly well that I would get the same. I crept away down to the end of the shed, and got over the shed and got away. That was all I see. On that night I went up to the hills, thinking they might be in pursuit of me, so I stopped all night on the hill, and the next day I went aboard of my ship. When I went aboard of my ship they refused to have me any more.

Q. The officers of your ship?—A. The Captain refused to have me any more, so I went to the American Consul and explained my case to him, and he sent me aboard my ship again. That is all I know. I saw Shields get knocked down twice with the broom.

Q. Did they knock you down?—A. No, sir; they did nothing to me while I was inside. All I got was four or five slaps with the broad side of the sword.

Q. That was at the time you were arrested?—A. Yes, sir.

Q. Did they tell you what was the reason they arrested you?—A. No, sir; it is just like this; they can arrest any one they like as long as he is a foreigner; that is, as far as I can see.

Q. When you went to see the Consul, did you tell him anything about Shields being in prison?—A. Yes, sir.

Q. What did he say to that?—A. He took my affidavit and I signed my name to it. He took it either twice or three times. Twice I am certain of.

Q. Did he take it that day when you went to the Consul, and when you found him?—A. He did not. I told him about my friend being in prison.

Q. Did you tell him about their having knocked him down?—A. No sir, I did not.

Q. Why not?—A. I told him my friend was in prison, and I would wish him to see after him. The Consul told me that he would see after him as soon as he could, but he would have to be punished for being a deserter from his ship.

Q. Did the Captain give you money to leave the ship that night?—A. The Captain gave us \$10 each that Saturday night.

Q. How long a leave of absence did he give you?—A. He did not give us leave of absence at all. He gave us the money, and I reckoned that was leave.

Q. You went off without any further ceremony?—A. I got no leave. Shields got twenty-four hours. I asked for no leave as long as I had the money.

Q. Did you tell the Captain you were going ashore?—A. No sir.

Q. Were you on board ship when Shields came back?—A. Yes sir.

Q. Did you see him?—A. Yes sir.

Q. In what sort of condition was he?—A. The man was more like dead than alive, and he was talking like a stupid man more than like a man who was in his senses. He was black from his hips up to the back of his neck. I never looked at anything like it in my life.

Q. Did you notice the scars on his face?—A. Yes sir, right here and here (pointing).

Q. On both temples?—A. Yes sir. They were quite plain to be seen, and one of his eyes was black. As soon as the man took off his shirt, the chief mate went right to the "Baltimore" for the doctor, and the doctor visited him, I believe, every day while we were there. I think the consul was aboard about five times, and stopped aboard all night to get the affidavit of both of us.

Q. He did get the affidavit of both of you?—A. Yes sir, the last time I was along with the consul I signed my name to a paper.

Q. You stated to him substantially what you have stated here?—A. Yes sir.

Q. Did you go any more fully into it than you have done now?—A. No sir, it is just about the same. That night, Tuesday, when I went on board the ship, and they refused to have me, I was bound to come ashore again. I got a dollar of one of my ship mates, so that I had to pay for my bed that night ashore. The next morning I went to the consul, and explained my case to him, and he ordered me aboard of my ship at once. I then spoke about Shields, and he said he would see after Shields as soon as he could.

ANDREW MCKINSTREY.

SAN FRANCISCO, *Dec. 26th, 1891.*

Deposition of WILLIAM H. JENKINS, taken before Clement Bennett, notary public, on board the "Keweenaw."

By United States Attorney GARTER.—Q. What is your name, age, residence, and occupation?—A. My name is William H. Jenkins; age, 48; occupation, master mariner; residence, Boston.

Q. What is your present position?—A. Master of the steamship "Keweenaw."

Q. How long have you been master of that steamship?—A. Since the 1st of June last.

Q. Who are her owners?—A. The President is Mr. Arthur Hall; the managing owner is Mr. James Jerome. It is a stock company called the Saginaw Steel Steamship Company.

Q. A corporation of what State?—A. New Jersey.

Q. Are any of the members of that corporation, or persons interested in the ownership of that steamship, now in San Francisco?—A. Yes sir, the managing owner, Mr. James Jerome.

Q. Where is his permanent residence?—A. I think it is at Saginaw, Michigan.

Q. During your recent voyage, have you been with your steamship at Valparaiso, in Chile?—A. Yes sir.

Q. Your steamship is owned by Americans?—A. Yes sir.

Q. And carries the American flag?—A. Yes sir!

Q. And did so, at the time that you were at Valparaiso, just mentioned?—A. Yes sir.

Q. On that voyage, when did you arrive at Valparaiso?—A. I think it was the 27th or 28th of September.

Q. At this time, please state the names of the officers of your steamship?—A. Mr. C. A. Wheeler, chief officer; Mr. A. E. Cole, second officer; Mr. Charles H. Malcolm, chief engineer; and Mr. Blaisdel, first engineer, and Mr. Sprague, second engineer, and Mr. Jerome, third engineer.

Q. Can you give the permanent residence of each one of these officers, whom you have mentioned?—A. I think Mr. Wheeler's permanent residence is New York city. Mr. Cole's residence is somewhere in the western part of New York. Mr. Malcolm lives at Bath, Maine, and Mr. Blaisdel also, and Mr. Sprague. Mr. Jerome lives at Saginaw, Michigan.

Q. Was there a fireman on your steamship, by the name of Patrick Shields, at the time you were in Valparaiso?—A. Yes sir.

Q. Also a fireman by the name of Andrew McKinstry?—A. Yes sir.

Q. Have you any knowledge of the treatment of the two last mentioned persons, namely, Patrick Shields and Andrew McKinstry, during the time your vessel lay at Valparaiso?—A. On Saturday, the 24th of October, I gave each of those men ten dollars in Chilean money, and told the chief engineer that he could give them leave of absence for 24 hours. They went ashore on Saturday evening; what happened to them or what they did after that, I could not say, except from the report that I got from them. On Monday the chief engineer reported to me that neither of those men had showed up. On Tuesday afternoon, I think McKinstry came back, and the chief engineer told him he did not want him any more, as he had deserted. The American consul said he would have to take him back, as he had showed up. I told him to go aboard the ship again, which he did. On Tuesday I had reported both of them to the American consul as deserters, and concluded they had cleared out. I did not think for a moment they were in jail, but that they had made up their minds to leave. The consul told me to send McKinstry aboard, and I did so.

Q. Did he give you any reason that compelled you to take him back?—A. He said the law compelled me. McKinstry told me that Shields had been arrested and let out again, and we supposed he was knocking around again and we looked around for him. I did not suppose he was arrested the second time, but from his statements I found he had been arrested again on Sunday. I forget what day it was he showed up at the American consul's. It was in the neighborhood of 7 or 8 days afterwards that he showed up at the American consul's in a very pitiful condition. We took him to the Intendente's office. He is the head man at Valparaiso. He is the chief official, as I understand it. Colonel McCreery, the American consul at Valparaiso, and myself took him there, and made out a complaint to the Intendente about this man. We asked the Intendente if he would look at this man. We had him out in the other room. He made a reply that he did not wish to see him; that he would have it brought before the criminal judge, Judge Foster. His father was an American and his mother a Chilean. His father used to be a judge in New York. That he would have to refer

the whole thing to the Criminal judge. I then took him aboard the ship and went on board the United States ship "Baltimore" and had Doctor White of that ship to take care of him while we were in Valparaiso.

Q. You had no surgeon on your vessel?—A. No, sir. After that, in about a week or ten days; I cannot state exactly how long they sent a summons off to me to appear at the criminal court, before Judge Foster. I appeared in answer to the summons. I was to be there at five o'clock. I was there, but did not see anyone except the clerk and he told me he would have to make some other arrangements about appearing the next day at 12 o'clock and give my deposition before Judge Foster, about this man Patrick Shields. In this court they would not allow me to have my own interpreter. According to the laws of Chile, you must have the interpreter of the court.

Q. Would he not permit you to have any interpreter present of your own, while the official interpreter was performing his duty?—A. No, sir. I made a request for my own interpreter to be present. They said no, I must take the interpreter of the court.

Q. What was the nature of the evidence that you gave at that time; such as you are now giving here?—A. Yes sir; just what the man told me that happened to him while he was in jail. There is one thing that is very important, I think. Shields told me that he made an application to one of the officials in the jail, that he wanted to write a letter to the American consul, or the captain of the ship, to let them know where he was, so that they could get him out, but they would not do it. He also told the judge that he could go and point out the very men that beat him, if he had the opportunity, but they never gave him the opportunity.

Q. Was he present in court while you were giving your deposition?—A. No, sir. No one is allowed to be there when you are giving a deposition but the judge and the clerk.

Q. Did he offer to go and point out the men that beat him?—A. Yes, sir.

Q. To whom?—A. To the consul and myself. He said he could point them out.

Q. Did he inform any of the Chilean authorities that he could and would like to be able to do so?—A. He did not see any of the authorities at all.

Q. Was he permitted to go and point them out at all?—A. No, sir.

Q. Did the consul offer to go and have them pointed out. Did he make that known to the Chilean authorities?—A. Yes, sir, and I also did the same thing.

Q. What did they say to that?—A. They made no reply to it at all.

Q. What investigation, if any, did the Chilean authorities institute into these occurrences?—A. They came aboard and took his deposition on board. The American consul also came down and took his deposition. Mr. Egan telegraphed down to have it done, while the American consul was at the legation at Santiago and the vice-consul went aboard and took his deposition a second time.

Q. Who has those depositions?—A. I suppose the Minister, Mr. Egan. I suppose they were forwarded to him.

Q. What, if anything resulted from the taking of your deposition before Criminal Judge Foster?—A. I cannot say that it resulted in anything.

Q. Did Judge Foster make any judgment or decree or order, in reference to that examination?—A. He made the remark to me, after he had taken my deposition, that he would certainly punish the men that did

this beating, to the fullest extent of the law, and that he would go right on with the case and sift it out thoroughly, and find out where the trouble was, but nothing was done about it while I was there. I made the remark to him that I wanted him to see this man and would bring him up, but he did not say that he wished to see him.

Q. You know of no order being made by him in reference to the matter?—A. No sir.

Q. What sort of a man, mentally, was Shields, when he left the ship?—

A. A good able-bodied man, as far as I know from observations from the chief-engineer; as good a man as we had aboard the ship, of the firemen.

Q. Bright intellectually?—A. Yes sir, always so.

Q. What condition was Shields in when he came back, physically?—

A. When he came back, he was physically a wreck; he was black and blue from the nape of his neck down to his hips.

Q. Did you make a personal examination of his person?—A. Yes sir, and also the doctor of the "Baltimore," Dr. White, who will be here in a few days.

Q. Was his statement taken at Valparaiso?—A. I will not be positive about that.

Q. What was the nature of these injuries to him?—A. I am pretty sure it was taken by the American consul.

Q. What was the nature of the injuries on this man's person, that you saw?—A. On the outside, as I tell you, where he had been beaten, it was perfectly black and blue from the nape of his neck, down to his hips and he lost a great deal of blood, and it left him in a very stupid condition. At times I had my doubts whether he was in his right mind. It left him in a kind of a palsied condition. He is to day in that condition.

Q. Did you notice any wounds on his temples, when he came back?—

A. I cannot say that I did. I have forgotten. It seems to me over one eye there was a mark, where it had been cut open.

Q. How soon after Shields made his return to the ship, was it, that you reported to the consul?—A. Shields came to the consul before I saw him.

Q. When was the first time, that you took any interest to go to the consul about it?—A. The very same morning.

Q. When he came back?—A. 2 or 3 hours afterwards.

Q. After you had reported to the Consul, then he made his report to the Intendente?—A. Yes sir, the very same day.

Q. The Intendente refused to see him or examine him, although he was present there, and said the whole matter would have to be referred to Judge Foster?—A. Yes sir.

Q. And after that you received the summons to appear before Judge Foster to give your evidence?—A. Yes sir.

Q. Did Judge Foster take the evidence of Shields himself, at all?—

A. No sir, he sent some men off aboard to take his deposition.

Q. When was that, before or after your deposition was taken before Judge Foster?—A. Afterwards.

Q. How long afterwards?—A. About a week afterwards.

Q. Do you know who those men were who came there?—A. No sir, I did not see them.

Q. What were they, Chileans?—A. Yes sir.

Q. How many?—A. I did not see them. I was not aboard.

Q. Do you know how many persons were present when that deposition was taken?—A. No sir.

- Q. You know nothing about that?—A. No sir.
- Q. Do you know who would know?—A. Yes sir.
- Q. Who?—A. The chief-mate, Mr. Wheeler. I think Mr. Jerome the third officer would know. They went off unknown to me.
- Q. You did not know they were there?—A. No sir.
- Q. Were you on the ship when they came there?—A. No sir, I was on shore on my ship's business.
- Q. You were not informed that they were going there to take his deposition at all?—A. No sir.
- Q. Would you have been present, if they had informed you?—A. Certainly.
- Q. Do you know how long they remained there?—A. No sir.
- Q. Did they make any inquiry as to their being Americans?—A. Yes sir. When I was giving my deposition, Judge Foster asked me if Shields was an American? I told him he was a native of Ireland, but was under the protection of the American flag.
- Q. And told him about being employed on an American ship?—A. Yes sir.
- Q. Were you present at the time that Shields' claim for indemnity or damages, was made out before the Consul?—A. No sir, the American Consul attended to that himself.
- Q. Did he come on board the ship to do that?—A. Yes sir.
- Q. Do you know when that was done?—A. That was shortly before we left.
- Q. Were you present at the time?—A. No sir.
- Q. Have you any knowledge of the amount of the claim?—A. Only what I have heard, \$5,000.
- Q. From whom did you hear about it?—A. From Shields.
- Q. Did you have any consultation with the Consul about it?—A. Only in this way, that he said he should make a claim.
- Q. He said he should make a claim?—A. Yes sir.
- Q. Did he say for what amount?—A. No, he did not.
- Q. Did you ever hear anything, or have any knowledge about any promise made by the Chilean officials of indemnity or payment of damages to Shields?—A. No sir.
- Q. No knowledge of that at all?—A. No sir.
- Q. You never heard of any promise being made?—A. No sir.
- Q. All that you know or heard in that connection, was the remark made by Judge Foster, that the matter should be fully investigated, and the parties who were guilty of this ill treatment to Shields, should be punished to the extent of the law?—A. Yes sir.
- Q. That is all you ever heard about that?—A. Yes sir.
- Q. Do you know of any promise being made to Shields by any person that money to pay him for these injuries should be sent to any person for him or to him directly at San Diego or any other place?—A. No sir.
- Q. Did you ever hear anything about such a promise as that?—A. No sir.
- Q. Is this the first time that such a promise has ever been mentioned to you?—A. Yes sir.
- Q. Did the consul at Valparaiso ever say anything to you about such a promise as that?—A. No sir.
- Q. When was it that he said to you that such a claim would be made out for damages received?—A. It was about a week or ten days before he went away.
- Q. Was Shields still sick?—A. Yes sir.

Q. How long did his sickness continue?—A. Up to the time that he arrived. He has never been on duty since that time. We shipped another man to take his place.

Q. Was he confined to his bed after that all the time you were at Valparaiso?—A. Yes sir.

Q. Under the care of the doctor?—A. Yes sir.

Q. Was he permitted to go ashore after he returned to the ship?—A. No sir. The doctor said he was not in a condition to go ashore, and there is a written statement to that effect in the hands of the American consul.

Q. On what occasion was it that he went with you and the consul to the Intendente's?—A. On the first day that he got out of jail. On reflection, however, I believe it was after he returned to the ship and was examined by the doctor that he went ashore with myself and went to the consul, and from there we went to the Intendente, as heretofore related by me. We returned to the ship after being away about two hours, and this was the last time he left the ship while we were at Valparaiso, the doctor having given directions to that effect.

Q. Have you any knowledge of any effort on the part of the Chilean officials to procure the presence of Shields on shore during the time that your ship lay at Valparaiso?—A. I have no knowledge about it.

Q. Have you any knowledge of any boat or vessel belonging to the Chilean government or officials coming alongside your steamship on the day you sailed from Valparaiso for the purpose of summoning Shields to give evidence or take him ashore for that purpose?—A. I had no knowledge until I got aboard the ship ready to sail. My ship sailed on Monday, the 23d of November last. I went on board about 9 o'clock in the evening, after finishing my business about clearing my ship. When I returned to the ship I was informed by my officers that some Chilean officers had been on board the ship to take Shields ashore to take his deposition in court and the officers had refused to let him go as they had positive orders from the American Consul and myself not to allow him to go ashore, on account of his condition. It was thought by the officers of my ship and myself that this effort to take Shields ashore at this particular time was intended to delay the sailing of the ship, as Shields' deposition had been taken previously by the American Consul, and there had been abundant opportunity for the Chilean officials to have investigated the facts of Shields' case before that if they so desired, and in fact Shields was not in a physical condition to go ashore at that time for any purpose. I sailed about half past 9 that evening for Coronado, Chile. No one ever told me that Shields' case had ever been settled by the Chilean Government or that the American Consul had said so.

Q. Have you stated all the facts that you know touching the ill-treatment of Patrick Shields by the Chilean Police?—A. Yes sir, I think I have. I can not think of anything more.

Q. Did you state the facts to Judge Foster that Shields had stated to you?—A. Yes sir.

Q. I will now ask Mr. Bennett, the Notary Public, to read to you the statement which has been made by Patrick Shields during this present investigation.

(The Notary here proceeds to read the testimony of Patrick Shields.)

Q. Is that substantially the same narration of facts as was made to you by Shields at Valparaiso?—A. Yes sir, about the same thing. With regard to all his injuries and so forth, it was just the same.

Q. And the way they were received?—A. Yes sir.

Q. Did you make that same narration, or did you state these facts, in your deposition before Judge Foster?—A. Yes sir.

Q. What were the habits of Shields as to sobriety?—A. As far as I know, he was always strictly honest and as good a fireman as we had aboard the ship.

Q. A sober man generally?—A. Yes sir.

Q. Did he generally get drunk when he went ashore?—A. He never had been ashore.

Q. Did any of the authorities, Judge Foster, or the Intendente, or any Chilean official, give any explanation, or reason, or excuse, for the treatment of Shields?—A. No sir, not to me.

Q. Did you hear of their giving one to anyone?—A. No sir.

Q. Was any denial made by anyone that you know of, of the illtreatment?—A. I never heard of any denial.

Q. You never heard of any denial of his story?—A. No sir.

Q. And no explanation was ever offered?—A. No sir.

Q. Was it ever claimed that he was a troublesome man and got drunk and made trouble, when he was on shore?—A. No sir.

Q. Have you any knowledge of your own as to the treatment of Americans generally, at Valparaiso, while you were there?—A. Yes sir, I know they had a very great degree of ill-feeling against the American people in Valparaiso. That is from the time they mobbed the "Baltimore" crew, when they were on shore.

Q. Were you there at that time?—A. Yes sir. Shields got his leave of absence and went ashore. The night of the day that the funeral of the "Baltimore" sailors took place there was a very bad feeling manifested by the Chileans against the Americans, and a bitter feeling against any one belonging to an American ship, no matter whether he was English, Scotch, Irish, or Dutch, it did not make any difference.

Q. How would the feeling be manifested?—A. In different ways. The lower class of the people would hoot at you and insult you in this way, and call you a "Gringo", and use insulting expressions and threats towards you, wherever they might come in contact with you.

Q. Did you see any part of what is known as the outrage against the "Baltimore" sailors?—A. I was looking out of the window of the house on Calle Blanco and saw one of the sailors being chased by the mob, pushed down, and one of the mob picked up a stone and struck him with it and laid him out for dead. Shortly afterwards they came with a team and took him to the station-house. I also saw them chase another sailor of the "Baltimore" who was all cut to pieces, and the Chilean officers got hold of him and took him to the station-house.

Q. Do you know anything of the cause of that particular difficulty?—A. No sir, I do not.

Q. During the time that you were there, did you see any lawless conduct on the part of the crew or sailors of any American vessel there?—A. No sir.

Q. Referring to your own statement, and to the Shields case, was any complaint ever made to you, of the conduct of any member of your crew on shore?—A. No sir.

Q. Did you ever know or hear of a complaint being made before or to any Chilean official, touching the conduct of any member of your crew?—A. No sir.

Q. How long will you be at this port?—A. Probably until about Thursday next. Then I shall proceed to Seattle, and back to San Francisco, not touching at any intermediate ports. I expect to engage in the coast trade on this coast for some time.

WM. H. JENKINS, *Master*.

SAN FRANCISCO, *December 26th, 1891.*

Deposition of ARTHUR E. JEROME, taken before Clement Bennett, notary public, on board the "Keweenaw."

By United States Attorney GARTER—Q. What is your name, age, occupation and residence?—A. My name is Arthur E. Jerome; age, 50; occupation, engineer; residence, Saginaw, Michigan.

Q. What is your present position?—A. Third assistant engineer of the steamship "Keweenaw".

Q. How long have you occupied that position on that steamship?—A. I went aboard of her I think it was the 12th of April, somewhere about the middle of April. I have forgotten the exact date that we left Bay City.

Q. Were you part of her crew, in the capacity mentioned, at Valparaiso?—A. Yes sir.

Q. At the time of the difficulty of a sailor belonging to your crew, by the name of Patrick Shields, with the Chilean officials?—A. Yes sir.

Q. Will you state the facts within your knowledge, touching the treatment of Patrick Shields by the Chilean Police at Valparaiso?—A. He had been gone from the ship I think one week, when he turned up in the Consul's office one morning. He had been missing, and no trace had been got of him. A fireman had been sent ashore, I think the day before he was let out. The Vice-consul told me he had sent an interpreter with that fireman the day before to find that missing man, but they did not find him in any of the prisons. The fireman also told me the same.

Q. Will you please relate consecutively, the history of this affair in regard to Patrick Shields?—A. After Shields had been absent a week I went into the American Consul's office. The Consul was a resident of our country, and I have known him at home, and every time I went on shore, I called upon him. I was there on this occasion to make a friendly call upon him. When I went in, the American Consul was talking with a couple of men, and he said "step in to my private room until I get through." I had not much more than taken a seat, when he said to me "Jerome, come out and see if you know this man." I went into the room and recognized Patrick Shields our fireman, who had been missing for a week. I identified him immediately. Shields then asked the Consul "Cannot you send me to the hospital?" The Consul said "No; why don't you go aboard ship?" Shields said "I am beaten up so I am not fit to go aboard. I can not go aboard." Then the Consul took me into the room, and he said "Had you better not take this man aboard?" I said, "I will take him aboard if you say so." He said "You take him aboard, and I will have the surgeon of the "Baltimore" come over and examine him, this may have a bearing on the "Baltimore's" case. He sat down and wrote a letter to Captain Schley of the "Baltimore" to send a surgeon aboard to examine this man. I went down to the Mole with Shields, and as we had 20 minutes to wait before our boat went off, I said to Shields "You wait here until I get back, don't move." I stepped up to the Post-office and when I came back to the Mole I could not find him. I thought the man had given me the slip. I could not think why it should be so. Just as I got ready to go he turned up. He had not been off the Mole, but had been wandering round. I got him aboard of the boat, and he seemed to brighten up for a few minutes.

Q. What means did you take to get aboard the boat?—A. There is a row-boat that goes up to the Mole, and carries people out to the ship.

Q. The ship was moored out how far?—A. Two miles. Then Shields began to show a little flightiness in going out, a thing I never saw him do before. He got laughing and acted silly. I thought the man was under the influence of liquor, but he was not. The strain had got off from him, and when he found he was all safe, he seemed to light up. I got him aboard, and then took our own row-boat, and went over to the "Baltimore" with this letter and Captain Schley sent Surgeon White off, or Doctor White. He came and examined Shields, gave him a prescription, and I went over to the Baltimore and got it filled by the apothecary on board, and fetched it off.

Q. Where were Shields' injuries?—A. The injuries were in the back of his head. It was swelled up badly there. It seemed to affect his brain, so that at times he was not able to tell a connected story. He told the straightest yarn, up at the Consul's office, when everything was fresh. Afterwards when he found he was in safety the tension seemed to get off his mind and it wandered.

Q. Did you hear his story at the American Consul's before you left?—A. Yes sir, all he said was "I have been beaten so terribly that I cannot do anything, I don't know what I am about half the time."

Q. Did he tell you who had done it?—A. He said they had done it in prison. He went on shore Saturday night he said, and was arrested that night, and put in prison, and had been there ever since. I said, "How did you get out?" He said, "They turned me out last night, and I slept away up on the hills." He said, "I came down to this office early this morning". The Consul's office is not open until 11 o'clock, and he said, he was waiting there until it opened. He got aboard and was stripped off. On examination, we found he was covered from the top of his head clear down, with bruises. He had bruises on his arms and bruises clear down to his hips, on his neck, his back and shoulders. He was the worst beaten man I have seen for a great while.

Q. You saw these injuries yourself?—A. Yes sir, I saw them that day.

Q. Do you know anything about his vomiting blood?—A. No sir, I don't know specially about that, because I did not happen to be in the forecastle.

Q. Did you hear read the statement made by Patrick Shields to me?—A. Yes, sir, and it is substantially the same statement that was made to the consul, at the time I met Shields at the consulate, except that the present statement goes more into detail and more fully into the matter. My time was short, and I wanted to get back to the ship, and a full statement was not made by Shields at that time. As soon as the American consul, Colonel McCreery, ascertained that he was a member of our crew and was badly injured, he ordered him aboard the ship, and, as I have stated, gave directions about getting the doctor of the "Baltimore" to examine him, deferring investigation or examination until after an examination by Doctor White, in order to ascertain the extent of the injuries received by Shields. The next day he was taken on shore to the consul's office to give his statement to the American consul. That was the last time he was on shore in Valparaiso. He was taken on board on the "Baltimore's" steam launch. He went with Captain Jenkins. I did not accompany them, and do not know of my own knowledge what occurred on that occasion, while they were ashore. They returned in a couple of hours, and I know Shields did not go ashore again after that, while we were in Valparaiso, the captain hav-

ing so ordered, under the direction of the "Baltimore's" doctor. The doctor visited him every day on the ship.

Q. Will you state how long he was confined to his bunk?—A. I am unable to state exactly, but it was 2 or 3 weeks.

Q. Was he under the care of the doctor all the time he was in Valparaiso?—A. Yes, sir.

Q. Was Shields a man of good habits?—A. So far as I know he was a man of good habits, and a competent good man in his position. I never saw anything quarrelsome or ugly about him in any ship.

Q. Do you know anything about his having made a statement on board of the ship subsequently to the American consul or vice-consul or to any Chilean officer?—A. I think about 5 or 6 days after he went ashore to make this statement to the American consul, a Chilean judge and an interpreter and clerk came aboard for his statement, and they went into the forecabin where he lay and there got some statement from him. I was not present. I saw them come aboard, and I learned what their business was from a steward we have who speaks Spanish. I called him, and he stepped out to ascertain what they wanted. I think his name is Frederick Baxter. He told me that they wanted a statement from Shields. Thereupon the first mate took them forward to the firemen's forecabin, and they sat down there and asked Shields questions through an interpreter and got his answers. I was not present, so do not know what they asked him. They apparently delayed their investigations so that they should not be made while Shields' injuries were fresh.

Q. Do you know whether this investigating party, whom you have just mentioned, examined his injuries?—A. No sir, I do not. I could not say. I think Campbell can tell you that. He was present.

Q. Do you know whether any member of the "Keweenaw's" crew was present at the time that this statement, now mentioned, was taken?—A. I think some of the firemen were in the forecabin at the same time, but I can not tell who they were. My impression is that Campbell went up there during this time, and I think he made the statement that the consul had ordered them not to allow anyone to come on board to see him, for the reason that he would not be present when they examined him.

Q. Who made that statement?—A. I think Campbell made it. I know he and the mate got into a controversy about it.

Q. You yourself are not acquainted with the details of that statement, because you were not present?—A. No sir, I was not present.

Q. How long did they remain there?—A. They were there about an hour.

Q. Did they inquire for the captain?—A. I don't remember; I don't think they did. They spoke Spanish.

Q. The American consul was not there at that time?—A. No sir.

Q. And no one was present representing the Government officially?—A. No sir, and no one knew of it at the American consulate until it was reported there, that they had been on board.

Q. Was any statement made at any other time by Shields, besides the one you have now mentioned, on board ship?—A. Not to the Chileans, that I am aware of. He had made other statements to the American consul.

Q. Do you know about the circumstance of those statements, made to the American consul on board of ship?—A. No sir, I only know the consul came on board and got statements from him. Afterwards,

when the consul found that the Chileans had been aboard and taken his statement, he came on board and got further statements.

Q. Did he take the statement of any one but Shields?—A. I don't remember whether he did or not.

Q. Do you know the vice-consul?—A. Yes sir; I met him there.

Q. What is his name?—A. Moller.

Q. Do you know whether he came and got a statement from Shields?—A. I think he did.

Q. Was that after the consul had taken his statement?—A. Yes sir, it was after the Chileans took Shields' statement, that these other statements were taken.

Q. Do you know whether or not Shields ever signed a claim for damages against the Chilean Government?—A. I do not positively know it, although the American consul came on board on one occasion and inquired for him. It was the Saturday before we sailed that he came aboard with this claim. He asked me where Shields was. I said he was in the forecandle. He said "We can go right up there, and get him to sign this." He inquired if there was pen and ink there. I said "I don't know." I went to the forecandle door, and asked the boys if they had pen and ink there, and they said "Yes." I left him there. As he came out to go ashore, I spoke to him again, and he said "We have got this settled," or "we have got Shields' claim settled." Those were the words he used. I took it that he meant they had fixed the amount of the indemnity.

Q. Did he mention any amount?—A. No sir.

Q. Let me understand you. The consul came aboard with a paper which he stated was the claim of Shields against the Chilean Government?—A. Yes sir.

Q. And inquired where he was?—A. Yes sir.

Q. And asked for pen and ink, in order to get Shields to sign it, and he was shown where Shields was, and pen and ink were procured for him?—A. Yes sir.

Q. You do not know if Shields signed it or not?—A. No sir, I do not.

Q. When he came out, and was about to leave the ship, he told you that he had got Shields' claim settled?—A. Yes sir.

Q. And you inferred that the amount of it was determined upon?—A. Yes sir.

Q. Did you infer from that, that the Chilean authorities had agreed to pay anything?—A. Yes sir, that is what I took it to be.

Q. You inferred, from what he said, that the Chilean Government had agreed to pay Shields some certain amount which had now been fixed upon?—A. Yes sir.

Q. And it was determined to pay it?—A. Yes sir.

Q. And the exact language he used was "We have got Shields' claim settled."—A. Yes sir.

Q. Was anything said about how it was to be paid, and when and where, and through whom?—A. No sir, that I only learned through hearsay.

Q. What hearsay?—A. The general talk about the ship, among the men. I don't know who it was. I cannot remember now; that he was going to get a certain sum—I think the sum of \$5,000—when he arrived at San Diego.

Q. Was it generally talked about where it was to be paid, and to whom? A. No sir. It was to be paid at San Diego. Where they got the information from I don't know anything about. I was not in the forecandle at the time this thing was signed.

Q. Do you know of any effort being made by the Chilean officials to take Shields ashore before leaving Valparaiso?—A. Yes sir, I know the steam-launch came off there with what purported to be a subpoena for him to go ashore and give his deposition.

Q. When was this?—A. On Monday afternoon, the day we sailed from Valparaiso.

Q. Did you see the subpoena?—A. I saw the paper. I did not see the contents of it. I saw him hand it over, and I think it was taken to Mr. Wessels who interpreted it.

Q. Did you hear it interpreted?—A. No sir.

Q. What time of day was it, that they came there?—A. I think the first visit was about 3 o'clock in the afternoon.

Q. Was the captain on board?—A. No sir.

Q. Did Shields go ashore?—A. No sir.

Q. Why not?—A. The first mate said "this is a trick to delay the ship, and he cannot go ashore; we have had strict orders, not to allow him to go on shore; they have had plenty of time to investigate all these matters; we have been here four weeks since this occurred."

Q. What object would they have in delaying the ship?—A. Nothing, only the general enmity to the American people. The only other object in it would be, to get hold of Shields and hope that we would go off without him. It was one of those two objects, it might be either of them. In case they could get hold of him, that would wipe out the indemnity.

Q. All you know about any promises of indemnity, is what you have stated?—A. Yes sir, that is the way we viewed it on board the ship.

Q. Shields was a fireman in your department?—A. Yes sir.

Q. What have you to say, touching the question, whether the treatment of Shields by the Chilean police, was due to his being a member of an American crew?—A. I have no knowledge of that personally, only what he reported at the time.

Q. What generally was the feeling of the Chilean officials and the people generally towards Americans?—A. Quite bitter.

Q. How would this be shown?—A. It would be shown by general talk and treatment on the streets. The conduct of the Chileans would be insulting.

Q. Did you have any knowledge from your own observation, of the ill-treatment of Americans, particularly by Chileans?—A. No sir; nothing out of the ordinary. I saw those "Baltimore" men when they were taken out of prison and carried aboard, and I saw their condition. I was on shore on the Mole one day when they brought them down to carry them aboard, after they could move them. I saw they were badly beaten and cut up.

Q. How long before this affair of Shields occurred, was it, that the "Baltimore" outrage took place?—A. I should think it was about 8 or 10 days; I cannot tell precisely; it might not have been quite so long.

Q. You do know that Shields left the ship in good physical and mental condition?—A. Yes sir; he was all right when he left the ship on that Saturday night.

Q. When he came back, he came back under the circumstances you have described, and in the physical and mental condition you have described?—A. Yes sir.

Q. Have you any reason to doubt or believe that the treatment of Shields was due to any other cause than his connection with that American steamship?—A. No sir; I have not.

Q. Did you hear of any turbulent, boisterous, or lawless conduct on

the part of Shields, while he was on shore at Valparaiso?—A. No sir; I did not learn of any.

Q. Did you hear of any explanation made for the injuries of Shields by any Chilean officer or official?—A. No sir.

Q. Did the consul ever say whether any explanation was made to him or not, about it?—A. No sir.

Q. You met him almost daily?—A. Three or four times a week.

Q. After this occurred?—A. Yes sir.

Q. And no explanation of those injuries was ever offered, in any way that you ever heard of?—A. Not that I ever learned.

ARTHUR E. JEROME.

Deposition of FREDERICK BAXTER, taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER.—Q. State your name, age, residence, and occupation.—A. My name is Frederick Baxter; age, 33; residence, New York City; occupation, steward on board the "Keweenaw".

Q. How long have you been steward on the "Keweenaw"?—A. From the 18th of July last, so far as relates to my present employment.

Q. Were you steward on that steamship, while she was at Valparaiso, when the fireman Patrick Shields, had his trouble with the Chilean police?—A. Yes sir.

Q. What is your nativity?—A. I was born in Mexico, but speak Spanish.

Q. Are you acquainted with the fact that Shields left the steamship on one occasion, and was gone 8 or 10 days, and returned severely injured?—A. Yes sir.

Q. Did you personally see his injuries?—A. Yes sir, he had blood running out of his ears and nose and mouth, and he was badly beaten all over.

Q. Was he under the care of the doctor?—A. Yes sir, he was under the care of the "Baltimore's" doctor.

Q. Do you know anything about any investigation of the facts, relating to the case of Shields, by any Chilean officials, at which his statement was taken, by Chilean officials on board ship, after the return of Shields?—A. Some of it at the first, but it was put a stop to.

Q. State what you know about that.—A. A Chilean officer and a French doctor came aboard, and they got me to interpret for them. I was sent for by the chief officer. This doctor examined Shields all over. The doctor himself said that he was badly beaten, when he saw his condition.

Q. The doctor himself said that to you?—A. Yes sir, to me. That was all that he said. He said he only came there to see what the condition of Shields was. I asked him myself, "How about it?" He said "I know nothing about it. I am only sent here to see how he is." He said to me "he is badly beaten".

Q. Do you know the doctor's name?—A. No sir.

Q. Did he talk French or Spanish to you?—A. He talked Spanish to me, but I could see by his accent, that he was French.

Q. Do you understand French at all?—A. Yes sir.

Q. Did they undertake to take the statement of Shields, at that time?—A. Yes sir, but I saw myself what they wanted to do, and I knew they were going to make everything as smooth as they could. The doctor wanted me to interpret the way he was treated in jail, to this

Chilean officer. I saw what they wanted, and I would not do it. I just told them, rough and ready, how he was treated in jail; that he was treated badly.

Q. Did Shields make a full statement at that time, of how he was treated?—A. No sir, because they were only there 10 minutes altogether.

Q. What do you mean by saying that you did not interpret fully what Shields said? Did you interpret what he said to them fully?—A. The story Shields told was so strong against the Chilean police, that I thought Shields was out of his head, and I did not give the details in interpreting to the Chilean officials but just gave a general rough and ready account of it. I only gave a few instances of the assaults which Shields narrated, in the brief time occupied in taking his statement, and examining him by the French doctor, who was with the Chilean official. I don't think the statement of Shields was taken down in writing at that time. The doctor himself understood a good deal of English, and had a good part of Shields' story before I got there. The doctor said to me, that he understood about all that Shields said, although he could not speak English thoroughly. The Chilean official who accompanied the doctor did not say a word all the time he was there.

Q. Was that the only occasion on which any Chilean official undertook to make an examination of Shields or to take his statement on board the ship?—A. A day or two after this, some Chilean officers came on board again, and wanted to see Shields, but were told by the chief officer, Mr. Wheeler, that by the orders of the consul no one was allowed to see him.

Q. Did you go on shore frequently, while your ship was lying at Valparaiso?—A. Yes sir, I was on shore three or four times.

Q. Did you talk freely with the Chilean population there?—A. Yes sir.

Q. What was the feeling of the Chilean officials and the people generally towards Americans? Was it bitter or hostile?—A. It was very bitter against the Americans. They felt about as bitter against this nation as any nation could feel against any other. I spoke to some of them and tried to reason with a great many about Americans being a great people, if they were treated half way decent, but they would not have it.

FRED BAXTER.

Deposition of HERBERT R. SPRAGUE, taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER.—Q. What is your name, age, age, residence and occupation?—A. My name is Herbert R. Sprague; age, 28; residence, Barker's Head, Maine; occupation, second engineer on board the "Keweenaw."

Q. How long have you been employed in that capacity?—A. About five months, and a few days.

Q. Were you employed in that capacity on board of her, at the time that Patrick Shields, a fireman belonging to her crew, had any difficulty with the Chilean police of Valparaiso?—A. Yes sir.

Q. Do you know Patrick Shields?—A. Yes sir, I have known him since he has been on board the ship.

Q. What sort of man is he, in the position of fireman?—A. First class.

Q. A hard-working, honest man?—A. Yes sir, as far as I know.

Q. Is he considered a truthful man?—A. Yes sir.

Q. Do you know anything about his difficulty at Valparaiso with the police there?—A. I know he went on shore sound and in good condition, and when he came on board he looked as if he had had some hard trouble.

Q. Did you see his injuries?—A. Yes sir; I saw that his back was black and blue and he was bruised up very badly.

Q. Do you know of any of the Chilean authorities coming on board to take his statement?—A. Yes sir; I saw them.

Q. How many times did you see that occur?—A. Only once. I was in the fore-castle when they came.

Q. Did you see what took place when they came on board?—A. They went and took his statement. It was written down.

Q. Were you there?—A. Yes sir.

Q. Did he sign it?—A. I could not say if he did or not.

Q. Did you see them writing it down?—A. Yes sir.

Q. Who wrote it?—A. I cannot say who it was. I don't know his name. I saw him wrote it.

Q. It was not one of your crew?—A. No sir; it was one of those fellows ashore.

Q. Did you take him to be a Chilean?—A. Yes sir.

Q. How many were there in the party?—A. Two; one man talked English and Chilean.

Q. Was Baxter your steward there, at the time that statement was taken?—A. No sir; at the time I was there, he was not.

Q. How long did they remain there?—A. I think an hour.

Q. If the steward Baxter, acted as interpreter, at one time, that was not the occasion?—A. No sir. The time that they came, Baxter was not there. Shields was not going to say anything, but the mate came forward and said he had to. The mate came down and told me I had better go up. I went up and sat there the remainder of the time. Shields asked me what was best for him to do. He says the American consul told him not to say anything to anyone who came there. I said "Do as you are a mind to; if he told you not to say anything don't do so." And then he said he would not. They could not get anything more from him until the first mate came up and said he had to give it, so then he went on and gave the rest.

Q. Did you hear what he said?—A. Yes, sir.

Q. Did he make a pretty full statement?—A. He said he did not give all. He told them he had enough to tell them to fill a good many sheets. They said they had enough and went off.

Q. Did any one talk English in this crowd?—A. Yes, sir; this man who did the writing.

Q. Do you know if he was a Chilean or the American vice-consul?—A. He was not the vice-consul. He was kind of deformed; he had a hump-back; he had a bunch on his shoulder.

Q. Was he a Chilean official?—A. I know he spoke Spanish.

Q. Baxter was not there at this time?—A. No, sir.

Q. Do you know whether the Chilean Government had that statement taken or not?—A. I could not tell you.

Q. Do you know for what purpose that statement was being taken?—A. They said they had to have it.

Q. Who said they had to have it?—A. This man who did the writing.

Q. How long were they there?—A. An hour. I was there an hour. I did not see them when they came, and did not know nothing about it, until some one on deck told me.

Q. What was the mate's name that you referred to?—A. Wheeler.

Q. Is that the only time that you know of a statement being taken?—A. Yes sir.

Q. Can you tell what date that was?—A. No sir.

Q. How long after Shields had returned to the ship, was this?—A. I guess it was a week. Then we calculated to sail the next week after that.

Q. Shields did go on and make a statement, when the mate told him he had got to do it?—A. Yes sir.

Q. How much of a statement did he make?—A. On a sheet of paper like this (pointing to a sheet of letter paper). They wrote on both sides of it, while I was there.

Q. Do you know anything about the consul coming on board to take a statement?—A. I saw him on board a number of times, and I saw Shields go aft to the after-cabin. These fellows that I saw took the statement in the fore-castle.

Q. Where did Shields generally lie?—A. In the fore-castle.

Q. Did he have a room?—A. They had a large room with bunks in it.

Q. Do you know anything about Shields having made a claim against the Chilean Government?—A. I don't know anything about that except what I heard on deck, that he was going to get something out of it.

Q. Do you know the American consul at Valparaiso?—A. I know him by sight.

Q. Did you ever hear him say anything about there having been a claim made, and that it was settled?—A. No sir.

HERBERT R. SPRAGUE.

Deposition of JOHN CAMPBELL taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER.—Q. What is your name, age, residence, and occupation?—A. My name is John Campbell; age, 29; residence, Scotland; occupation, fireman on board the "Keweenaw."

Q. Were you fireman on board of her at the time she was at Valparaiso, when a fireman by the name of Patrick Shields had a difficulty with the officials at Valparaiso?—A. Yes sir.

Q. Do you know Patrick Shields?—A. Yes sir; I knew him before he joined the ship.

Q. Do you know anything about the difficulty referred to?—A. No sir.

Q. You know that he left the ship?—A. Yes sir; I saw him go ashore.

Q. Do you know how long he was gone?—A. He was gone about 7 or 8 days.

Q. What condition was he in when he went away?—A. He went away healthy and sound.

Q. What was his disposition as to peace and quietness?—A. He was the quietest man on board of the ship.

Q. Peaceable disposition?—A. Very peaceable.

Q. Do you know anything about what happened to him while he was ashore?—A. No sir; only what I heard.

Q. Do you know in what condition he came back?—A. Yes sir; he came back with his back all black and blue; he was not able to lift his arms. He was lying in bed and could not turn; he was all bruised up and black all over, and had lumps on his shoulders.

Q. Did he have any bruises on his face?—A. His face was cut, and his forehead was all cut. It was just beginning to heal up.

Q. Did you go ashore at all?—A. Yes sir; 6 or 7 times.

Q. Did you hear of his having any difficulty on shore?—A. No sir.

Q. Did you hear of any complaint having been made by the authorities against him for disturbing the peace?—A. No sir.

Q. What is the feeling of the Chilean population towards the people connected with American ships?—A. We were told when we were ashore, by the English people who lived ashore, that if any one asked us what ship we belonged to, to say that we belonged to an English ship or we would get beaten. Every house we went into warned us about that when we told them that we belonged to the "Keweenaw," an American ship lying in the dry-dock. They said that we had better say that we belonged to an English ship, as the Chileans were very bitter towards Americans.

Q. Did any Chilean officer come aboard to examine or take Shields' statement after his difficulty?—A. Yes sir; two men came a board and took down his statement. One was a little man with a lump on his back. Shields had given a lot of his statement before anyone in the engine room knew about it. Flanagan came and told me he was giving a statement to two Chileans. I was present when the doctor of the "Baltimore" and the American consul told him not to give any statement to any more Chileans. I walked right up to the room and asked him if he was giving a statement. He said, "Yes, the first mate told him to". I said, "Did not the doctor of the "Baltimore" and the American consul tell you not to give any more statements?" He said, "Yes". I said, "Why don't you heed what they told you, and not heed the first-mate of the ship?" So he stopped. Then this little man, who was interpreting, checked me, and told me I should mind my own business, that it was not my business to interfere with him. I said the doctor of the "Baltimore" had left Shields in my charge. The man who was writing down said, "We have got enough now." After that the first mate came up and ordered Shields to give the rest of his statement, so he did so. That was 8 or 9 days after Shields came on board.

Q. Did they both talk English?—A. One did. The man who was writing. The other one was an old gray-whiskered man, and he sat at the side of the table. He could not talk English.

Q. Do you know who he was?—A. I asked the man who was writing, and he said the gray-whiskered man was the Judge, and he was the judge's clerk.

Q. Then it was a Judge and his clerk, who was present there taking the statement?—A. Yes sir.

Q. Did he say what the Judge's name was?—A. No; I did not ask his name. He said he wanted to get the statement, to find out the people who had done it.

Q. Did you hear any part of the statement that was made?—A. Yes sir, a lot of it.

Q. Was it a pretty full statement?—A. Yes sir, he told how he was beaten by the officials in the prison.

Q. Did he sign the statement?—A. No sir; we would not let him sign it.

Q. Did you see the American Consul there at all?—A. Yes sir; the steward told us, it was the American Consul.

Q. Did you hear him say anything about a claim made by Shields, against the Chilean Government?—A. No sir; I did not hear him say anything about a claim.

Q. Do you know of Shields signing a claim?—A. Yes sir, I saw him sign a claim two days before he sailed.

Q. Did he sign his name or make his mark?—A. He signed his mark; he said he could not write.

Q. Who was present then?—A. Some other gentleman along with the Consul.

Q. Did you hear the Consul say anything about the claim having been settled, or it having been fixed?—A. I heard him say something about \$5,000. I did not understand it exactly.

Q. Did you hear him say anything about Shields being paid \$5,000, or where it would be paid?—A. No sir.

Q. You heard nothing of that kind?—A. No sir. I only heard the American Consul ask him to sign his name. I heard him say something about \$5,000. I seen Shields touch the paper to make a cross.

Q. You did not hear the Consul say it was all fixed and settled, and would be paid at San Diego?—A. No sir.

Q. Do you know anything about the Chilean officials trying to get Shields to go ashore the day you sailed from Valparaiso?—A. Yes, sir, I was there. The launch came twice, first without an officer, to get him to go ashore, and then they went back and came back a half an hour or 40 minutes afterwards, and he was in his bunk. They came again with an officer, but we would not let him go.

Q. Did they have a paper that they exhibited?—A. Yes sir, they had a paper with them.

JOHN CAMPBELL.

Deposition of BERNARD FLANAGAN taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER—Q. What is your name, age, residence, and occupation?—A. My name is Bernard Flanagan; age, 26; residence, 20 Montcalm street, Montreal; occupation, fireman on board the "Keweenaw."

Q. Were you fireman on board the "Keweenaw" recently at Valparaiso, when Patrick Shields had some difficulty with the Chilean officials?—A. Yes, sir.

Q. Do you know anything about that difficulty?—A. I don't know anything about it, except I was ashore the same night as Patrick Shields, and I saw him in the barber shop, getting shaved, and I did not see any more of him until he came on board after his trouble.

Q. What condition was he in, when he went ashore?—A. In good condition.

Q. What condition was he in, when you saw him in the barber shop?—A. In good condition.

Q. What condition was he, when he returned to the ship?—A. In a fearful condition; he was not able to stand or walk.

Q. Just describe about his injuries?—A. When he came aboard, he was all trembling and shaking. We wanted to know what was the matter with him. I said to him "What is the matter with you?" He said "I am very nearly killed." He was black from his neck down to his waist, and on his thighs, there were big lumps, where he had been hit with a club, and all around his shoulders there were big lumps, big ridges, and over his right temple was a scar, and one over the left. On the back of his head there were two big lumps, and he was very sore across his stomach. He complained of that, and about a pain around his heart. I thought something was wrong with his inside.

Q. Did he throw up any blood?—A. Yes, I believe he did, when ashore.

Q. Did you see any of the Chilean officials come aboard?—A. I saw this judge and his clerk come aboard.

Q. Was that the occasion that Campbell speaks of?—A. Yes sir, the same day.

Q. Were you present at the time Shields' statement was taken?—A. I was present before they took the statement. One of the men came down to the engine-room, and told me that some of the Chilean officials had come aboard to get his statement. Shields told me himself that he was told not to give any statement unless the American consul was present. One man came up and told me he was giving his statement, and I went and told Shields not to give it unless the American consul was present, and he said he would not give it. Then I went out in the engine-room, but it seems he gave his statement after I went down.

Q. Did you go ashore frequently while you were there?—A. I was ashore twice while I was there.

Q. Did you hear anything about Shields' difficulty on shore?—A. No sir, I did not hear anything about it, on shore. I went myself to inquire after him.

Q. From your own observations, what is the feeling of the Chilean population towards American citizens of the United States?—A. I think it is a very bad feeling. You can not say you are an American in Valparaiso. If you do, they rush on you. That is what the citizens of the United States who are living in Valparaiso told me, that you were in danger of your life if you happened to say you were an American. That is what the time-keeper of the shop which was doing work on our engines told me. Every morning he would give me an account of the business on shore, and he has been there 16 or 17 years.

Q. Did you know the American consul when you saw him?—A. Yes sir.

Q. Did you see him on board the ship?—A. Yes sir.

Q. Did you hear him say anything about Shields having made a claim against the Chilean Government? And about it having been settled?—A. No sir, but I see him go in the fore-castle to get this paper signed, and when I came in the fore-castle I heard 2 or 3 men say that it was all settled, that the authorities on shore had settled it with the consul. They said that the consul had said so. That was right after the consul was there.

Q. Did you go to the jail at Valparaiso while Shields was in prison there?—A. Yes sir, I believe he was in prison when I went to the jail, but I did not see him.

Q. State the circumstances of your going to the jail.—A. I went ashore to see a doctor. Shields was missing from the ship and no one could find him. While I was ashore I went to the American consul to see if he had heard anything about Shields. He said he did not know anything about him; that he had not been there; that the captain had been there and told him he had deserted from the ship. He told me that he had perhaps been in some boarding house and was hiding away until the ship sailed out of the harbor. I said I did not think the man would be likely to do that, as he had about \$100 coming to him. The consul was not aware of that, but thought as the captain had said he had had an advance, that he was in debt to the ship. I said he was not in debt. The consul said, "The best thing you can do is to go up to the prison and see if he is in prison, and if he is, say you will pay his fine, and come and tell me and we will get him out," or something to that effect. I went and got a sailor that I met, who could speak a little Spanish, to go with me to the prison and inquire for Shields.

When I told them at the prison who he was, and what ship he was on,—I had to say he was off of an American ship—they said he was not in the prison. At first the official at the prison was going to look for him, but when I told him he was off an American ship he would not look at all for him, and said he did not know nothing about him; he was not in the prison.

Q. Did you describe Shields to him?—A. Yes sir, I asked him to let me look through the prison, and let me see if he was there, and I would point him out. He let me go up to the yard and then sent some soldiers after me and turned me back again. Then that night they allowed Shields to come out of prison.

his
BERNARD X FLANAGAN.
mark.

Bernard Flanagan, not being able to write, made his mark, and I, at his request and in his presence, wrote his name thereto.

[L. S.]

CLEMENT BENNETT,
Notary Public.

Deposition of MICHAEL MALIA, taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER—Q. What is your name, age, residence and occupation?—A. My name is Michael Malia; age 31; residence, Montreal; occupation, fireman on board the "Keweenaw."

Q. Do you know Patrick Shields?—A. Yes sir.

Q. Were you acting in the capacity of fireman on board that ship, at the time that he had this difficulty with the Chilean police at Valparaiso?—A. I was.

Q. Do you know of his leaving the ship?—A. Yes sir, I was ashore that very same night.

Q. State all you know about it?—A. We parted with him when he went into the barber-shop, and I never saw him until he came on board after his injuries.

Q. What condition was he in physically, when he went ashore that night?—A. He seemed to be all right.

Q. Did you see him when he returned?—A. Yes sir.

Q. How long was he gone from the ship?—A. About 8 days.

Q. What condition was he in, when he came back?—A. Very ill.

Q. What was the matter with him?—A. He was all bruised. His back was all black. He seemed to be bruised all over the body. He was a regular mass of bruises.

Q. His face and back?—A. His face was a little better. He looked like as if his face had had a few scars, but they were getting better.

Q. Was he disabled by these injuries?—A. Yes sir.

Q. How long did he continue so?—A. He has never worked up to the present time.

Q. Was he attended by the doctor?—A. Yes sir, by the doctor of the "Baltimore."

Q. Did you go ashore frequently, while you were at Valparaiso?—A. I was ashore three times.

Q. What was the feeling and disposition of the Chileans towards the Americans there?—A. It seemed to be very bitter.

Q. How would this be manifested?—A. I could not see that they manifested anything bad towards me, because I did not give them any

chance. You had to deny that you belonged to an American ship. That was the only thing I could see.

Q. You were compelled to deny that you belonged to an American ship?—A. Yes sir.

Q. Did you do that?—A. I did; I told them I belonged to an English ship.

Q. Was that generally what was said by American sailors there?—A. Yes; we were all warned before we went ashore.

Q. As a general thing American sailors had to say that they belonged to an English ship?—A. Yes sir.

Q. Did you see the American consul on board the "Keweenaw"?—A. Yes sir, I saw him on board, and after he was there I heard Shields say, that his claim against the Chilean Government was settled, but I did not hear the consul himself say anything.

MICHAEL MELIA.

SAN FRANCISCO, *December 27th, 1891.*

Deposition of CHARLES R. MALCOLM taken before Clement Bennett, notary public, on board the "Keweenaw."

By United States Attorney GARTER—Q. What is your name, age, residence and occupation?—A. My name is Charles R. Malcolm; age, 41; residence, Bath, Maine; occupation, first engineer of the ship "Keweenaw."

Q. How long have you acted in the capacity of first-engineer of this steamship?—A. About six months.

Q. Do you know a fireman on board of the name of Patrick Shields?—A. Yes sir.

Q. He is in your department as one of your subordinates?—A. Yes sir.

Q. Were you on board while the ship was lying at Valparaiso in October last?—A. Yes sir.

Q. Have you any knowledge of any difficulties which occurred between Patrick Shields and the Chilean police at Valparaiso?—A. I have some.

Q. State the facts within your knowledge relating to that difficulty?—

A. He went ashore I think it was on October 24th, on Saturday night, with permission to take 24 hours leave. We never saw any more of him until about ten days later. He was sent aboard by the Consul with the third assistant engineer Mr. Jerome. Mr. Jerome also brought a letter for the Doctor of the "Baltimore" to come and examine Shields. The Doctor came on board and visited Shields. I went forward and looked at Shields who had his shirt off, and saw he was pounded from his hips to the top of his head. He was all black and blue and was bruised all over. He told me he had received these injuries while he was in jail. The Doctor of the man-of-war attended him for 10 or 12 days, and he came on board nearly every morning. The American Consul was on board also to see him, several times.

Q. He told you that these injuries had been inflicted on him during his absence from the ship?—A. Yes sir.

Q. What sort of a man was Shields?—A. He was a very good man; a good fireman; as good as we had in the ship until this happened. Since then he has not been the same man.

Q. Was he a quiet, peaceable man?—A. Very quiet. He went right along about his work, and had no trouble with anyone.

Q. Did you go ashore frequently at Valparaiso while you were there?
—A. Yes sir.

Q. About how long did the ship remain at Valparaiso?—A. 57 days.

Q. Did you know the American Consul?—A. I met him several times.

Q. Did you have any talk with him?—A. Very little. He asked me what I knew about this affair, and I told him just as I have told you.

Q. During the time you were in Valparaiso, did you ever hear any explanation offered by any Chilean official or anyone, as to how Shields received his injuries?—A. I did not. I heard the Consul say, that the Chilean officials did not deny that Shields had been abused some in the prison, but they claimed it was not the police who did it, but citizens. That is what I understood him to say. The day we sailed from Valparaiso, which was the 24th of November, the Chilean authorities came alongside our ship in a steam launch and wanted to take Shields ashore. I was notified by a man on board, that that was what they were after, and if we wanted to keep him we had better stow him away, so I went up and told Shields he had better keep out of sight. He was sitting up in bed that day.

Q. During all the time that you were there, you never heard that the Chilean officials had offered any explanation as to how Shields received his injuries?—A. No sir.

Q. To your knowledge was it ever claimed that Shields was drunk that night?—A. I could not say. Not within my knowledge he was not drunk.

Q. Did you ever hear it was claimed that he was drunk. Did any one ever make any accusation that he was drunk?—A. I never heard any one say he was drunk.

Q. To your knowledge, was any complaint ever made, of the conduct of Shields on shore?—A. No sir, I never heard of any.

Q. You never heard that it was claimed that he was disorderly in any way?—A. No sir; I never heard what ground they arrested him on.

Q. Do you know anything about any promise of indemnity to pay damages to Shields, made by any Chilean official?—A. No sir.

Q. Did you ever hear that a claim had been made out by Shield and signed by him?—A. No sir.

Q. You know nothing about that at all?—A. No sir.

Q. You never heard the American consul, or anyone else say that Shields claim had been settled?—A. No sir; one day the consul was on board, and he said they were going to put in a claim for him.

Q. What do you say as to the feeling of the Chilean population, and the Chilean officials towards Americans in Valparaiso?—A. It is not very friendly just now. There were a good many Americans down there who told me they would like to get away from there, if they could, conveniently, as they thought they were not as well treated as they were before this affair.

Q. What do you say as to the respect that the people have for the Americans and the American flag there?—A. They do not have very much respect for the Americans. While we were there the "Baltimore's" crew were there and had some trouble, and a man was killed, but I did not see any of it myself. I know American sailors are not as well respected as the sailors of ships of other nations, or citizens either. The Chileans would not hesitate to insult them on any chance they would get. If I was there, I would prefer that they did not know I was an American citizen, and I would sooner say that I belonged to a vessel of other nations, rather than to an American ship. They have more

respect for you then, and treat you better. I know that sailors belonging to American ships say, when they go on shore, that they belong to English ships or ships of other nations.

Q. I understand you were the officer who sent Bernard Flanagan on shore, to find out where Patrick Shields was?—A. Yes sir. I told him to go on shore and try and find out some clew about Shields, as to where he was, because if we could not find him we would have to get some one else to take his place, as we had considerable work on hand at that time.

Q. You have heard Shields' story?—A. Yes sir.

Q. Have you any reason to doubt the truth of it?—A. No sir, I have no reason to doubt it, seeing the condition he was in, when he returned. I should judge he had been handled fully as roughly as he stated he had.

Q. You made a personal examination of the injuries yourself?—A. Yes sir, I saw him stripped. He was beaten black and blue from the shoulders clear down. When we left Valparaiso, we had to ship another man to take his place, as he has been unable to do his duty since that time. His head has been injured in some way, as he has acted differently ever since. Before that he was a very quiet man, and did his work properly. Since then he has been walking round the decks at night laughing to himself, and acting kind of foolish. When he came on board, he had a big bunch on the back of his head and one on the right temple.

Q. Do you recollect seeing any Chilean authorities come on board the "Keweenaw" to take Shields' statement?—A. Yes sir.

Q. How many times did you see them?—A. Only once. It was in the morning, about 11 o'clock. I came on board, and they told me the Chilean authorities had come to get his deposition. I went forward and saw them there. There was one stout man, and a little short man with a hump-back. They had been doing some writing and they were just taking the pen and ink away as I came there.

Q. Was there not another occasion, when a Chilean official and a French doctor came aboard, to examine Shields?—A. Yes sir.

Q. Was that before or after the occasion of which you have just spoken of?—A. That was before.

Q. What occurred at that time?—A. They came and wanted to see this man, and he was shown where he was. I went up with them, and I told Shields to take his shirt off. He did so. They were there 8 or 10 minutes and then went on shore.

Q. There was no testimony taken at that time?—A. No sir; they just wanted to see him.

Q. Was Frederick Baxter the steward there at that time?—A. I don't remember; I know they did not talk any English.

Q. You understood that that was more an examination of his person, to ascertain his injuries, rather than to take his evidence?—A. Yes sir; that is what I understood. I understood he was a doctor and wanted to see him.

Q. Did you hear him say anything?—A. No sir; he was talking to the Chilean officer, and I could not understand anything they said. They talked in Spanish.

Q. Baxter might have been there on that occasion?—A. He might have been there, but I don't remember. I understood that the American consul had given orders that no Chilean official should come aboard and take a statement from Shields without notice to the consul, so that he or some one on behalf of the United States could be present when

the statement was taken; that this could not be done without notice to and permission of the consul.

Q. Was any such permission as that ever asked for?—A. Not to my knowledge, and the captain informed me, that his permission had never been asked. The fact is, that at all times, when an examination of Shields was made, or an effort was made to take his evidence, it was apparently sought to be done in the absence of anyone, to look out for the interests of Shields, and of the United States. The American consul, and the ship's officers themselves, and Shields himself, were perfectly willing to have a full investigation of the affair by the Chilean officials at all times, when the interests of the United States and of Shields, could be represented and protected.

Deposition of ABEL BLAIDELL taken before Clement Bennett, notary public, on board the "Keweenaw."

By United States Attorney GARTER.—Q. What is your name, age, residence and occupation?—A. My name is Abel S. Blaisdell; age, 34; residence, Bath, Maine; occupation, second-engineer on board the ship "Keweenaw."

Q. Were you acting in the capacity of the second-engineer of the "Keweenaw," while she was lying at Valparaiso, at the time certain difficulties occurred between Patrick Shields, the fireman on board the "Keweenaw," and the Chilean police at Valparaiso?—A. Yes sir.

Q. State what you know about it.—A. Shields got permission to go ashore on Saturday, and did not return for ten days. During that time, a fireman was sent to look after him, but could not find out anything about him. When Shields returned he told us he had been in jail, and that they had almost beat him to death. He said he was knocked down several times. I examined him and found he was black and blue from the top of his head, to his hips. He had a cut over his eye, and one on the back of his head. He has never been the same man since. He appears to be simple all the time, and he has never done any duty since he came back. I asked him what he had done that they should pound him up so. He said he met two fellows, he did not know who they were, and they asked him for money, and he told them he had none to give them, and upon that, they pitched on to him with others, and carried him to the lock-up.

Q. Do you know of his being under the charge of the doctor of the "Baltimore"?—A. Yes sir, the doctor was on board 8 or 10 days to see him. The doctor stated to me that it would be a long time before he would be able to do any duty.

Q. What was Shields' disposition; was he a peaceable quiet man?—A. He was a very quiet, peaceable man. I don't know that I ever heard him speak on board the ship, unless he was spoken to. He was a very quiet man.

Q. Did you go ashore at Valparaiso?—A. Yes sir, I was ashore three times.

Q. Did you hear this matter talked of?—A. Not a bit; they all talked Spanish, and I did not understand any.

Q. Did you ever hear anyone say, by way of explanation of the injuries which Shields had received, that he had been guilty of any disorderly conduct when he was on shore?—A. I did not, no sir. We had a Chilean machinist who worked on board of the "Keweenaw", on our machinery, and I told him one day in the engine-room about the pounding up this man had received, and I said to him "the United States will

make you fellows smart for that; they will come down here and lick you all", and he said "they don't amount to nothing, we will lick them the same as we did Peru."

Q. You never heard it charged that Shields himself was to blame for the injuries which he received?—A. I never did.

Q. Did you ever hear of any complaint being made against him for bad conduct and disorderly conduct while on shore?—A. No sir, I did not.

Q. You never heard that the Chilean officials offered any explanation of the injuries to Shields?—A. No sir; I was on board the ship all the time, and they were here a number of times, and I never heard them say anything about his being drunk, or that there was any row or anything of the kind.

Q. From your observation while in Valparaiso, what is the feeling of the Chileans towards the Americans there?—A. As near as I could understand, they were down on Americans and if I had been ashore and got into trouble, I should have sworn I was English, or some other nationality, rather than say I was an American.

Q. Did you ever hear that Shields had made a claim for damages against the Chilean government?—A. Only what I heard talked about amongst the ship's crew.

Q. Did you know the American consul when you saw him?—A. Yes sir, I saw him on board a number of times.

Q. Did you ever hear him say anything about any claim, or about the settlement of any claim of Shields' against the Chilean government?—A. No sir; I did not.

Q. Were you present at any time, when the American consul came on board, to take Shields' deposition?—A. Only once, when he called me aft, to ask me some questions. Shields was in there giving his statement at that time.

Q. Were you present at any time when the Chilean officials came on board?—A. Yes sir, I was present on two different occasions, once when this humpbacked man came with another man, and when the Chilean official came with the French doctor. I was down below in the engine-room, and a fireman came to me and said that Shields was giving a Chilean official his statement, and that it was against the American consul's orders. I went up, and the first-mate was up there, and I asked him if he had had any orders from the consul not to let Shields give his statement? He said "no, it was right that the man should give his statement, because they wanted to find out who it was, that had pounded him". That is what the mate told me. I did not know personally whether the American consul had given any such orders or not.

Q. Do you know of your own knowledge as to how fully Shields made any statement to Chilean officials on board?—A. No sir; I was only there a few minutes at that time. As I said before I was present at the time that a Chilean official came on board. He had a sword on, and he was accompanied by a doctor.

Q. Can you state what occurred then?—A. Shields took off his shirt, and this doctor examined him for a few minutes, and told him that would do. He talked Spanish. The steward was there, to interpret what he said. I did not understand what was said.

Q. Did Shields do any talking at that time?—A. No sir; not that I remember of.

Q. They did not take anything down?—A. No sir.

Q. How long did they remain at that time?—A. Perhaps ten minutes.

ABEL S. BLAISDELL.

Deposition of WILLIAM S. ALEXANDER taken before Clement Bennett, notary public, on board the "Keweenaw".

By United States Attorney GARTER.—Q. What is your name, age, residence, and occupation?—A. My name is William S. Alexander; age, 27; residence, East Boston, Massachusetts; occupation, oiler on board the steamship "Keweenaw".

Q. Were you acting in that capacity, while the steamship "Keweenaw" laid at Valparaiso recently in the month of October?—A. Yes sir.

Q. Do you know Patrick Shields, a fireman on board?—A. Yes sir.

Q. State what you know, if anything, of his difficulties with the Chilean police at Valparaiso.—A. I saw him when he came aboard, after having been locked up. He had his shirt off, and he was terribly bruised all over and complained about his head. He was not able to work.

Q. Did you see these injuries yourself?—A. Yes sir.

Q. What sort of a man was Shields, peaceable or otherwise?—A. He seemed to be peaceable while on board; he was a good hard-working man.

Q. Did you ever hear of any explanation of the way he received his injuries, except the one he gave himself?—A. No sir; I never did.

Q. Did you go on shore while you were at Valparaiso?—A. Yes sir; I was on shore three times.

Q. What is the feeling generally manifested by the Chilean population and Chilean officers and others towards Americans there?—A. They seem to be against the Americans. If I had been called upon while on shore to say what ship I belonged to, I don't think I would have said that I belonged to an American ship. Sailors and seafaring men when they would go ashore at Valparaiso, would generally say that they belonged to an English ship, rather than say that they belonged to an American ship.

Q. Do you know anything about any claim of indemnity having been made by Shields against the Chilean government?—A. No sir.

WM. S. ALEXANDER.

SAN FRANCISCO, *December 28th, 1891.*

Deposition of CHARLES A. WHEELER, taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER.—Q. What is your name, age, residence and occupation?—A. My name is Charles A. Wheeler, age 47; residence, Connecticut; occupation, first officer of the steamship "Keweenaw."

Q. Were you acting in that capacity last October, at the time the "Keweenaw" was lying at Valparaiso?—A. I was.

Q. Do you know Patrick Shields a fireman on that ship?—A. Yes sir.

Q. State what you know about his difficulty with the Chilean officials there at that time?—A. Patrick Shields went on shore I think on the 24th of October, and he was gone for some 8 or 9 days. I was not present when he came on board. I think the chief engineer said to me: "Shields has come on board. I should like you to look at him; he is pretty well used up." I went forward. He was stripped. His shipmates were looking at him, and on his back he was all covered with black and blue bruises, as though he had been beaten by something.

heavy. He had also a lump on the back of his head, and another one on his forehead. He seemed to be like anyone who had been through a regular hard beating. I took a look at him and I saw how it was. I noticed him no further at that time. I do not know anything about his doings, only what he told the American Consul as regards how he got his beating.

Q. Do you know whether he was ever able to do duty after, or not?—A. I do not think he was able to do duty.

Q. Was he under charge of the doctor?—A. Yes sir, he was under charge of the surgeon of the "Baltimore" all the time he lay there in Valparaiso, something like three weeks. The doctor came every day on board except toward the last, when he came every other day.

Q. What do you say as to the disposition of Shields whether he was a peaceful or quiet man?—A. Yes sir, a very peaceful and quiet man. I never heard anything from him at all. He would go right along about his business with no talk or nothing.

Q. Did you consider him a good hand?—A. Yes sir, a very good hand, as far as I know.

Q. Did you know the American Consul when you saw him?—A. Yes sir.

Q. Did you see him at all there?—A. Yes sir, I saw him on board on several occasions.

Q. What was his errand on board?—A. He came on board mostly to see Shields and talk with him, and take his deposition, as regards the beating he got.

Q. Did he take his deposition?—A. Yes sir, he took it twice. He took it first in pencil, but he said he lost it, and the Vice-Consul came on board and took it the second time.

Q. Who took it most fully, the Consul or the Vice-Consul?—A. I couldn't say, as I was not present when the Vice-Consul took it. I was present when the Consul took it.

Q. You say that the Consul said that he had mislaid the memorandum that he had made?—A. Yes sir.

Q. And the Vice-Consul was sent on board then to take his deposition again?—A. Yes sir, that was the day before we sailed, I think.

Q. How fully did the Consul take that statement?—A. He seemed to take it quite fully. It covered up some 3 or 4 sheets of foolscap.

Q. Sheets or pages?—A. Pages, I should say.

Q. Was it taken in shorthand or by long-hand?—A. By long-hand.

Q. Did Shields sign it?—A. Yes sir.

Q. Did he make his mark, or sign it?—A. I couldn't tell you whether he made his mark or signed it. I did not see him sign it; they told me he had done so.

Q. How soon was that after he came back?—A. Nearly three weeks. The first one that the Consul took he took about a week after Shields came on board.

Q. Was Shields considered a truthful man?—A. That I couldn't tell you; I had not much acquaintance with him as regards that. I presume he is. I have no reason to doubt it.

Q. Did you hear any explanation of the injuries he had received, given by anyone, other than the explanation given by Shields?—A. No sir, only with the exception of one party, I forget what his name was, who was in jail with him; he corroborated the story that Shields gave to the Consul.

Q. Was that a man named McKinstry?—A. Yes, sir.

Q. He was one of your crew?—A. Yes sir, one of the firemen.

Q. He gave no different story?—A. No sir, not to my knowledge.

Q. Did you know of, or hear of, any complaint being made by anyone that Shields was to blame for the treatment received by him on account of any disorderly conduct at all?—A. No sir.

Q. You heard nothing of that kind?—A. No sir.

Q. Was any accusation made against him, by anyone, that he was drunk at the time?—A. No sir.

Q. Did you hear the Consul say anything about any claim being signed by Shields against the Chilean Government for damages?—A. Yes sir, he told me he had a claim signed; I think it was for \$5,000.

Q. The American Consul told you that?—A. Yes sir, he said "I have got a claim here for \$5,000 against the Chilean government, and I think he will get it, and I want Shields to sign it." I did not see Shields sign it, whether he signed it or not I couldn't say.

Q. The Consul came aboard to have him sign it?—A. Yes sir.

Q. Did he show you the paper at all?—A. No sir; he had a paper in his hand.

Q. You saw that he had a paper in his hand?—A. Yes sir.

Q. Did you hear him say anything about it having been settled or anything of that kind?—A. No sir.

Q. Did you hear him say that the Chilean government or officials had promised to make a payment at all?—A. No sir. He told me that all these depositions and so forth would go through the Minister's hands to Washington, and as soon as he turned them over to the Minister he was through with them.

Q. He did not say that any of the Chilean officials had ever made any promise to pay any sum of money whatever?—A. No sir.

Q. Did any Chilean official come aboard the ship to make any investigation?—A. Yes sir.

Q. State what you know about that?—A. They came aboard in four installments.

Q. At four different times, do you mean?—A. Yes sir; they first came on board to take his deposition. They went forward to take it.

Q. Who came?—A. I think they came from the Court of Crimes. Shields commenced to tell his story. I walked away. I was informed that the Consul had told him previously, which I was not aware of, that he was not to give any testimony unless in the Consul's presence. So it stopped. They wanted him to sign it, and he would not and did not sign it, as I understand. They went on shore again. Then there was a party came aboard afterwards to see him, some officials, I don't know who they were. I told them he could not be seen. I could not speak their language, nor they mine, and they said something to one another, and went on shore again. I think it was the day we sailed, on the Monday, that a party came on board and wanted to take Shields on shore, which I forbade. I told them he could not go ashore. Mr. Wessel, a passenger on board, who could speak their language, told them the same thing at my request. Then they went away, and shortly afterwards another gentleman came on board, who could speak quite good English. He said he was a Doctor, and wanted to examine him. I would not allow that either. He had quite a talk with Mr. Wessel, in the Spanish language, which I did not understand, and then he went on shore. That was the evening before we sailed.

Q. On the occasion that you speak, the day you sailed, when you say the Doctor came on board, did the Doctor come first or last?—A. He was the last one on board.

Q. What was the reason you did not allow them to take Shields

ashore?—A. Because I had received instructions from the surgeon and the American Consul and the Captain, not to allow him to go ashore, and also from the Surgeon that he was not able to go on shore, and would not be able to go for three weeks. I have written instructions in a letter on board yet from the Surgeon of the United States steamer "Baltimore."

Q. Was there any occasion previous to the one of the day of your sailing, just mentioned, when an examination of Shields was made by a Chilean doctor or official?—A. Yes sir, there was an examination made by a Chilean doctor. He came on board and examined him thoroughly as I should judge. Whatever conclusion they came to I could not tell. There were three in the party, but only one that examined him.

Q. Did they take any statement of Shields?—A. No sir, they took no statement at that time.

Q. How long were they there at that time?—A. I suppose they were aboard half an hour.

Q. Do you know the doctor's name?—A. Yes sir.

Q. Anyone else with him?—A. Two other parties, but they did not seem to have any interest in it. They came off of the boat with him. There was one party who did not go to Shields' quarters with him at all, but just stayed round the ship.

Q. Was there any other occasion when Chilean officials took any statement of Shields except the one you have mentioned, when it was interrupted?—A. Not to my knowledge.

Q. This interruption occurred solely on account of instructions that had been given by the Consul?—A. Yes sir.

Q. Is it a fact Mr. Wheeler that at any time after Shields had refused to proceed further with his statement, the Chilean officials, upon being informed that the Consul had directed that that should not be done except in his presence, or some one to represent the American Government, that you directed him to go on and finish his statement?—A. No sir, I did not.

Q. In this connection, go on and explain just what took place at that time referred to?—A. This humpbacked man from the Court of Crimes, went up there and commenced to take his deposition. I was there at the time and was listening to it, and presently one of the firemen came up and called me aside, and said "the Consul has given orders for Shields not to give any deposition unless he was present". I had not been informed of it at all. I said "I do not understand that". I said "I should have thought they would have informed the chief officer of that, but if that is the case, I have got nothing more to do with it," and I walked out of the fore-castle. I came aft and saw the first assistant. The chief engineer was on shore. I said "I do not understand that. I do not think there would be any harm in taking his deposition." I sent the third engineer forward, and told him there was no officer in the fore-castle, and he had better go forward and kind of listen to those fellows, and see what was going on, and he did so. It seems as though the first assistant went forward and said "the mate does not think there is any harm in taking the deposition". That is what I heard. I did not hear it myself. Anyway, I said "he need not sign it. It will not be good for anything anyway as long as he does not sign it." What they did after that, I do not know. I never went near the fore-castle. I did not tell him to go on with it. I only gave my views of the thing.

Q. And did you not prevent him from going on?—A. No sir.

Q. You did tell him not to sign it?—A. Yes sir, I told the consul

when he came off the next day the whole circumstance, and said I told him not to sign it and he did not. He said "then it is not good for anything."

Q. You know nothing at all about any indemnity or promise of indemnity made by the Chilean Government or any Chilean official to Shields, or to anyone on his behalf?—A. No sir, nothing further than what I said, what the consul told me, that he was going to make a claim for so much money.

Q. Did you go ashore at Valparaiso?—A. I was ashore at Valparaiso four times, 11 hours all together.

Q. What do you say as to the treatment Americans, especially seafaring men, received from the Chilean population and others?—A. I think there was a great deal of ill-feeling there; as far as their being molested and so forth, I know nothing only hearsay. I know I was threatened while I was there, threatened right on board my own ship.

Q. What was the nature of those threats?—A. For taking stolen cargo; where they had pilfered the cargo.

Q. Explain the circumstances of that.—A. We had quite a quantity of Chileans, 15 or 20, to handle the cargo, to shift it from one ship to another, and I mistrusted that these fellows had been taking more or less, still I could not detect it. At last it got so open that I finally searched their baggage. They would bring off a bag with their dinner, in their coats, and I found any quantity of sardines, candles, and cartridges, and they had them in their coat-sleeves. I took it away from them, and put it all out on the hatch. No one came to claim it, but they looked at me very strong, and went ashore that night, and said in their own language, which I understood afterwards, that they would cut me and fix me, if they ever caught me ashore. The carpenter of the ship helped me out in that business and searched their baggage, and they threatened him also.

Q. Would you say they had the same respect there for the American flag and the American Government that they had towards other flags and governments?—A. I could not say that they did, not by their conversation and manner.

Q. Would you say they did not?—A. I would say they did not. Sailors are generally proud to own up that they belong to an American ship in any country that I have ever been in, but it seems in Valparaiso they had to sort of keep that quiet, as I understood it, when they went on shore.

Q. And generally would say that they belonged to an English ship?—A. Yes sir; that is what I understood. I would not like to go on shore at Valparaiso after dark myself.

C. A. WHEELER.

Deposition of PEDRO M. WESSEL, taken before Clement Bennett, notary public, at the office of the United States Attorney.

By United States Attorney GARTER.—Q. What is your name, age, residence, and occupation?—A. My name is Pedro M. Wessel; age, 40; residence, Valparaiso; occupation, merchant.

Q. How long have you lived at Valparaiso?—A. 26 years.

Q. What is the country of your nativity?—A. Denmark.

Q. What business do you follow at Valparaiso?—A. Merchant and railway builder.

Q. How recently have you come to this city?—A. I came up on the

American steamer "Keweenaw" direct from Valparaiso to San Diego and thence overland here.

Q. Do you remember the day that you left Valparaiso on board the "Keweenaw"?—A. We left Valparaiso on the 22nd of November last, and went to Coronel and left there on the 28th inst.

Q. Do you know a man named Patrick Shields, who was a fireman belonging to the "Keweenaw"?—A. I do not know the man.

Q. You do not recollect having seen him?—A. No sir; I don't recollect having seen him, but I know he was on board.

Q. Were you on board the day prior to the "Keweenaw" leaving Valparaiso?—A. I came on board two days before we left, and was partly on shore and partly on board the ship. I slept on board those two nights.

Q. Do you know anything about any investigation which was made or attempted to be made by the Chilean authorities in regard to the Shields' case?—A. Either the day we left, or the day previous, I cannot remember exactly which, a man came on board in a little steam-launch, with a notification from the Judge, Mr. Foster, to the Captain of the vessel ordering him to let this man Shields go on shore, in case his illness did not prevent it. I was there at that time, and Mr. Wheeler, the first officer to whom this was presented, asked me to translate it to him, which I did. He said the man was not well enough to go on shore. I asked him where he was. He said he was walking about somewhere. I then said to him that I would consider it well, in case he did not want to let the man Shields go on shore, to make him go to bed, instead of running about. Mr. Wheeler stated to me, that he had received instructions from the American Consul, not to let the man go on shore, or to be seen. The same order that this man brought stated that in case he could not go on shore, the city doctor would then come on board to examine him. I told Mr. Wheeler that. He said all right, they could do as they pleased. I gave this answer to the man, and he went off. Half an hour or an hour later, the city doctor came on board with the same order from the Judge, Judge Foster. Mr. Wheeler again asked me to be the interpreter and stated, through me as interpreter, that he could not allow him to see Shields. He repeated the same thing as before, that he could not be seen by anyone from shore. Before giving this answer to the doctor, I told Mr. Wheeler I considered it would be more prudent to let the doctor see the man, if he was really ill, or had any marks of the thrashing that they told me he had received on shore. He said he could not, that the Captain was not on board, and that he had received strict instructions, and could not do it. I gave this answer to the doctor. The doctor said that he thought it would be well to let Shields be seen, because it might save any further trouble. He said if they did not let him see Shields, he would not wonder, but what it might cause a delay to the steamer. I did not want to have any more trouble, or to be delayed, so I told Mr. Wheeler, although he had received those orders, I considered he had better let the doctor see Shields, but Mr. Wheeler insisted that he could not do it. I told the doctor that he could not see him, so he went away. That is more or less of what took place, as far as I can remember it. The words may not be exactly as they occurred. We left that day without any further trouble.

Q. Do you know whether there was a copy of that document left with the officers on the ship?—A. No sir.

Q. Did you know this doctor who came aboard?—A. I did not know

him, but he seemed to know me. He was a young man—a very pleasant man.

Q. You do not know whether he was the city doctor, except from what he said?—A. I did not, but he brought the order from the Judge.

Q. Did you know the first man that came aboard?—A. No sir. I supposed it must have been some employee of the Judge.

Q. Some attaché of the court?—A. I suppose so.

Q. Did he wear any uniform of any kind?—A. These men have no uniform down there of any kind.

Q. He was a Chilean?—A. Yes sir.

Q. Do not policemen wear uniforms?—A. Yes sir.

Q. And soldiers do, I suppose?—A. Yes sir.

Q. You have large interests at Valparaiso?—A. I represent the house of Hemmenway & Brown of Boston.

Q. Are you willing or able to make any statement, Mr. Wessel, touching the feeling of the Chilean population towards Americans in Valparaiso?—A. I can only state that the feeling of the better class of people in Valparaiso is as friendly now as it always has been. All these rumors that I have heard since my arrival here have taken me quite by surprise, because when I left Valparaiso everything was very quiet, and the feeling was very good, although these small matters of the trouble between the sailors of the "Baltimore" and the Chilean sailors of Valparaiso had caused some newspaper writing, yet people did not give it any importance at all.

Q. Do you include the Chilean police in that term of the better class?—A. No sir, I do not, because the Chilean policemen are generally of the very lowest class of people that they can get. When these troubles with the "Baltimore" sailors occurred in Valparaiso, the authorities were not properly instituted, because it was very shortly after the battle had been fought, and it was not to be expected that everything could be in proper order. The police and the authorities could not very well have attended with the promptitude that otherwise they would have done, to such matters, and put a stop to this kind of things.

Q. Was the town filled with soldiers at that time?—A. Yes sir, there were a great many soldiers there.

Q. Did you hear anything at all about the difficulty of Patrick Shields with the Chilean police while you were there, prior to the day when these Chilean persons came on board the "Keweenaw"?—A. No sir, the first thing I heard of it, was when I came on board. I was informed of it by the Captain or the Consul.

Q. You have mentioned the feeling of the better class of people at Valparaiso, as being friendly towards the Americans, what would you say about the class which would not be included in that term of "better class"?—A. I can simply say this. I suppose it is in Chile, as it is all over the world, that the lower class of people are generally inspired by what the better class do. The lower class has nothing to do but what is suggested by the better class.

Q. You think the lower class is inspired by the better class?—A. I consider so. In case of any trouble, or anything of the kind, I should say so. The Chilean people as a rule, are a very quiet sort of people, and they do not go into any kind of war with outsiders, or their own people, unless they are very much provoked to do so.

Q. As a resident of Valparaiso, would you say there was a general friendly feeling prevailing on the part of officials, and the better class of society, and also the lower class of society, towards Americans?—A. When I left I would say so.

Q. Do you think that an American seafaring man, would receive the same treatment, that a seafaring man belonging to other nations would, while temporarily sojourning there?—A. I would consider so. I have not had occasion to see anything to the contrary all the time I have been there.

Q. Have you heard of any difficulty with any other than American sailors?—A. No sir; I can only say that in certain parts of Chile, there may be a kind of hard feeling towards the American minister, who is there at present.

Q. You think it does not extend to persons entitled to the protection of the American flag?—A. No sir.

Q. Do you not think, that that feeling against the American minister would influence their treatment of Americans, and those entitled to the protection of the American flag in Valparaiso?—A. I do not think so. It is really and sincerely my opinion, that it is not so.

Q. Do you know any of the facts relating to what was called the "Baltimore" affair?—A. Only from what the newspapers said. That is all I know.

Q. You did not see any part of that difficulty?—A. No sir. In Chile it was talked of in the newspapers as a simple fight between drunken sailors on both sides. The newspapers deplored it very much, and every one who heard about it did the same. It is a thing that very often takes place there, not only with American sailors, but with German, English, and other foreign sailors, but not in such large proportions as this was. I must frankly say that I consider it was a little rash of the American officials, in those days of excitement, so soon after the battles had been fought, to let such a large amount of sailors go on shore, after what had happened in those days, when the American admiral went over to observe the movements of the Congressional ships, the embarking of the troops at Concon, and coming back immediately, and officers disembarking and going ashore, to see the Intendente. It created rather a disagreeable feeling. It looked as if they had gone there for news to bring back to the Chilean authorities.

Q. You know nothing about that except what was the general talk?—A. I saw the ship going, and I saw the ship coming back, and I saw the American boat come away from the ship and come ashore, and the officer go up to the Intendente's. I observed that from my own residence on the hill.

Q. What is the nature of the official position of the Intendente?—A. In what way?

Q. What is his duty?—A. I suppose it is something similar to the Mayor of San Francisco.

Q. He is the chief officer of the town?—A. He is the representative of the President and the Government,

Q. What was his name?—A. Mr. Arlaguy, I think.

Q. Mr. Wessel, I wish to ask you if the feeling at Chile, when you came away, or Valparaiso, was of the friendly character which you have before described, why it was indiscreet to allow these sailors to go ashore, even conceding the alleged conduct on the part of the Admiral?—A. I will tell you. The Admiral ought to have known that after the triumph of the Congressional Party, which was composed of sailors of the Navy, when they came over and took possession of Valparaiso, that all those men were at liberty to go ashore, and thinking they had been told upon in regard to what they had been doing, those men could not be expected to feel very well towards others, in those first

days. That is why I consider it was not wise for them to have allowed so many sailors to have gone ashore.

Q. At that time there was a bad feeling towards the Americans?—
A. Yes sir, amongst the sailors.

Q. Do you not think that the Chilean officials would have been influenced by that conduct on the part of the Admiral, as much as other classes of the population?—A. No sir, not to the extent of inducing the Chilean sailors to commit the outrages they are accused of.

Q. Even if they did not induce them to commit the outrages, do you think they took the proper and effective steps to prevent anything happening, and to punish them?—A. I believe they did. I feel certain that steps are being taken all the time to punish those men who are liable to be punished for their acts.

Q. Do you think that the unfriendly feeling, in whatever class of people it might have existed, had at all become allayed at the time you left Valparaiso to come here?—A. Undoubtedly. Everything has quieted down since the first days. As I say when I left Valparaiso, everything was completely quiet.

Q. Are you acquainted with the Judge of the Criminal Court at Valparaiso? A. No sir, I only knew him by sight.

Q. Were you personally acquainted with the Intendente?—A. Yes sir, I know him personally. He is one of the most respected and eminent men in Chile. He is one of our first lawyers there.

P. M. WESSEL.

STATE OF CALIFORNIA,

City and County of San Francisco, ss:

I, Clement Bennett, a Notary Public in and for said City and County, do hereby certify that the witnesses in the foregoing depositions named, were by me duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken at the times and places mentioned in the annexed depositions, in part on board the steamship "Keweenaw," and in part at the office of the United States Attorney, for the Northern District of California, in the City and County of San Francisco, in the State of California; that said depositions were reduced to writing by me, and, when completed, were by me carefully read to said witnesses, and being by them corrected, were by them subscribed in my presence.

In witness whereof, I have hereunto subscribed my name and affixed my seal of office, this 28th day of December, A. D. 1891.

[L. S.]

CLEMENT BENNETT,
Notary Public.

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